UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/2
E/CN.4/Sub.2/1997/50
5 November 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION

Geneva, 4-29 August 1997

Rapporteur: Mr. Marc Bossuyt

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CONTENTS

Chapter Page

I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION 11

A. Draft resolution

Organization of the sessions of the Sub-Commission

B. Draft decisions

1. Permanent forum within the United Nations system for indigenous peoples 11

2. Protection of the heritage of indigenous people 11

3. Working Group on Indigenous Populations 12

4. Prevention of discrimination against and protection of minorities 12

5. Privatization of prisons 12

6. Question of human rights and states of emergency 13

7. Freedom of movement and population transfer 13

8. Study concerning the right to freedom of movement . . . 13

9. Human rights and terrorism 14

10. Human rights and scientific and technological developments 14

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-NINTH SESSION 15

A. Resolutions

1997/1. Situation of human rights in the Congo 15

1997/2. Situation of human rights in Bahrain 17

1997/3. Situation of human rights in the Democratic People's Republic of Korea 18

1997/4. Situation of mingrant workers and members of their families 19

1997/5. Racism and racial discrimination 21

CONTENTS (continued)

Chapter

Page

II. A. Resolutions (continued)

1997/6. Forced evictions 24

1997/7. The realization of the right to education, including education in human rights 26

1997/8. Traditional practices affecting the health of women and the girl child 28

1997/9. Implementation of the human rights of women and the girl child 30

1997/10. Permanent forum within the United Nations system for indigenous peoples 33

1997/11. The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations 34

1997/12. Study on indigenous land rights 36

1997/13. Protection of the heritage of indigenous people 38

1997/14. Working Group on Indigenous Populations 39

1997/15. International Decade of the World's Indigenous People 42

1997/16. Methods of work of the Sub-Commission 44

1997/17. Organization of the sessions of the Sub-Commission 45

1997/18. Promotion of the realization of the right of access of everyone to drinking water supply and sanitation services 46

1997/19. Women and the right to adequate housing and to land and property 48

1997/20. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) 52

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1997/21. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery 53

1997/22. Report of the Working Group on Contemporary Forms of Slavery 54

1997/23. Prevention of discrimination against and protection of minorities 61

1997/24. Situation of street children and minor detainees 64

1997/25. Juvenile justice 64

1997/26. Privatization of prisons 66

1997/27. Question of human rights and states of emergency 67

1997/28. Question of the impunity of perpetrators of violations of human rights (civil and political rights) 68

1997/29. Freedom of movement and population transfer 69

1997/30. Study concerning the right to freedom of movement 71

1997/31. The right to return 72

1997/32. Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth 74

1997/33. Injurious effects of anti-personnel landmines 76

1997/34. Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations 78

1997/35. Adverse consequences of economic sanctions on the enjoyment of human rights 79

CONTENTS (continued)

Chapter

Page

II. A. Resolutions (continued)

1997/36. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life . . 80

1997/37. Illicit transfer of arms 81

1997/38. Promotion of dialogue on human rights issues . 82

1997/39. Human rights and terrorism 83

1997/40. The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) . . 84

1997/41. Review of further developments in fields with which the Sub-Commission has been or may be concerned 86

1997/42. Human rights and scientific and technological developments 87

1997/43. Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights . . 89

B. Decisions

1997/101. Adoption of the agenda 90

1997/102. Sessional working group on the administration of justice 90

1997/103. Organization of work 91

1997/104. Sessional working group on the methods of work of the Sub-Commission 91

1997/105. Monitoring the transition to peace in Guatemala 91

1997/106. Voting by secret ballot 91

1997/107. Study on income distribution and human rights 92

1997/108. The right to food 92

CONTENTS (continued)

Chapter		Page
II. B. Decisions (continued)	
1997/109.	Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General . . .	92
1997/110.	Study on treaties, agreements and other constructive arrangements between States and indigenous populations	93
1997/111.	Composition of the pre-sessional working groups of the Sub-Commission	94
1997/112.	Criteria for new studies	94
1997/113.	Methods of work of the Sub-Commission regarding agenda item 2	95
1997/114.	Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict	95
1997/115.	Report of the sessional working group on the administration of justice	96
1997/116.	The administration of justice and human rights	96
1997/117.	Rights of the child	96
1997/118.	The concept of affirmative action	97
1997/119.	Humanitarian situation in Iraq	97

	Paragraphs	Page
III. ORGANIZATION OF WORK		
(a) Election of officers;		
(b) Adoption of the agenda;		
(c) Methods of work of the Sub-Commission	1 - 31	98

CONTENTS (continued)

Chapter		Paragraphs	Page
IV.	QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)	32 - 80	104
V.	COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:		
	(a) Situation of migrant workers and members of their families;		
	(b) Xenophobia	81 - 93	133
VI.	THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:		
	(a) The international economic order and the promotion of human rights;		
	(b) The realization of the right to development;		
	(c) The question of transnational corporations;		
	(d) The realization of the right to education, including education in human rights	94 - 127	135
VII.	THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN		
	(a) Traditional practices affecting the health of women and the girl child;		
	(b) The role and equal participation of women in development	128 - 140	140
VIII.	CONTEMPORARY FORMS OF SLAVERY	141 - 158	142
IX.	HUMAN RIGHTS OF INDIGENOUS PEOPLES:		
	(a) Indigenous peoples and their relationship to land	159 - 186	144
X.	PREVENTION OF DISCRIMINATION AGAINST AND PROTECTION OF MINORITIES	187 - 200	148

CONTENTS (continued)

Chapter		Paragraphs	Page
XI.	THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS		
	(a) Question of human rights and states of emergency;		
	(b) Application of international standards concerning the human rights of detained juveniles and the judicial protection of children;		
	(c) Gross and massive violations of human rights as an international crime;		
	(d) Juvenile justice	201 - 242	150
XII.	FREEDOM OF MOVEMENT		
	(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;		
	(b) Human rights and population displacements . .	243 - 264	155
XIII.	PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH	265 - 276	158
XIV.	REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:		
	(a) The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights;		
	(b) Review of developments concerning recommendations and decisions relating, inter alia, to: (i) promotion, protection and restoration of human rights at national, regional and international levels; (ii) elimination of all forms of intolerance and of discrimination based on religion or belief; (iii) encouragement of universal acceptance of human rights instruments;		

CONTENTS (continued)

Chapter		Paragraphs	Page
XIV.	(continued)		
	(c) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine: (i) implications of humanitarian activities for the enjoyment of human rights; (ii) terrorism and human rights; (iii) international peace and security as an essential condition for the enjoyment of human rights, above all the right to life;		
	(d) Other new developments: (i) adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights; (ii) arbitrary deprivation of nationality	277 - 325	160
XV.	COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)	326 - 333	166
XVI.	CONCLUUDING ITEMS:		
	(a) Consideration of the future work of the Sub-Commission;		
	(b) Draft provisional agenda for the fiftieth session of the Sub-Commission;		
	(c) Adoption of the report on the forty-ninth session	334 - 339	168

CONTENTS (continued)

Annexes

Page

I. Agenda 175

II. Attendance 178

III. Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its forty-ninth session 183

IV. Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights 184

V. List of studies and reports:

A. Studies and reports completed at the forty-ninth session of the Sub-Commission 185

B. Ongoing studies and reports entrusted to Special Rapporteurs in accordance with existing legislative authority 186

C. Annual reports entrusted to Special Rapporteurs in accordance with existing legislative authority 187

D. Working papers and other documents without financial implications entrusted to members of the Sub-Commission in accordance with existing legislative authority 188

E. Studies and reports recommended to the Commission on Human Rights for approval 190

VI. List of documents for the forty-ninth session of the Sub-Commission 191

I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolution

Organization of the sessions of the Sub-Commission

The Commission on Human Rights,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/17 of 27 August 1997,

Bearing in mind the financial and other implications of alternatives to the present organization of the Sub-Commission's sessions (see E/CN.4/Sub.2/1997/2, annexes I and II),

1. Endorses the Sub-Commission's request to be authorized to organize, on a trial basis, its next three sessions in 1998, 1999 and 2000 in the form of five-week sessions of five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Requests the Economic and Social Council to authorize the Sub-Commission to organize its fiftieth, fifty-first and fifty-second sessions in the manner indicated in paragraph 1 above.

[See chap. II, sect. A, resolution 1997/17, and chap. III.]

B. Draft decisions

1. Permanent forum within the United Nations system for indigenous peoples

The Commission on Human Rights, taking note of resolution 1997/10 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Working Group on Indigenous Populations to focus on the questions of membership and participation in and the mandate of the possible permanent forum for indigenous peoples, with a view to the early establishment of such a forum within the present structure of the United Nations system, preferably under the Economic and Social Council.

[See chap. II, sect. A, resolution 1997/10 and chap. IX.]

2. Protection of the heritage of indigenous people

The Commission on Human Rights, taking note of resolution 1997/13 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) and the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons.

[See chap. II, sect. A, resolution 1997/13
and chap. IX.]

3. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 1997/14 of 22 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to recommend that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fiftieth session of the Sub-Commission.

[See chap. II, sect. A, resolution 1997/14
and chap. IX.]

4. Prevention of discrimination against and protection of minorities

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/23 of 27 August 1997, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

[See chap. II, sect. A, resolution 1997/23
and chap. X.]

5. Privatization of prisons

The Commission on Human Rights, recalling its decision 1994/103 of 4 March 1994 and Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1993/109 of 25 August 1993, endorses the recommendation contained in Sub-Commission resolution 1997/26 of 28 August 1997 and recommends that the Economic and Social Council authorize the Sub-Commission to appoint Mr. Ali Khan as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the obligation to repect and implement the legislation in force in the country concerned and the possible civil responsibility of enterprises managing private prisons and their employees, to be completed in time for consideration by the Sub-Commission at its fifty-second session.

[See chap. II, sect. A, resolution 1997/26
and chap. XI.]

6. Question of human rights and states of emergency

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/27 of 28 August 1997, approves the decision of the Sub-Commission to request Mr. Ioan Maxim to serve as the new Special Rapporteur on the question of human rights and states of emergency and to submit in the eleventh annual report an updated list of States which have proclaimed or extended a state of emergency, and a list, to be submitted every five years, of those States which have terminated a state of emergency, together with further recommendations on the protection of human rights during states of emergency. The Commission requests the Secretary-General to publish the final report of Mr. Leandro Despuoy, the outgoing Special Rapporteur (E/CN.4/Sub.2/1997/19) in all the official languages.

[See chap. II, sect. A, resolution 1997/27
and chap. XI.]

7. Freedom of movement and population transfer

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/29 of 28 August 1997, recommends to the Economic and Social Council that the final report of Mr. Awn Al-Khasawneh, Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1997/23), be published and widely disseminated.

[See chap. II, sect. A, resolution 1997/29
and chap. XII.]

8. Study concerning the right to freedom of movement

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/30 of 28 August 1997 endorses the decision of the Sub-Commission to appoint Mr. Volodymyr Boutkevitch as Special Rapportuer with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights. The Commission also decides to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question.

[See chap. II, sect. A, resolution 1997/30
and chap. XII.]

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/39 of 28 August 1997, approves the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28) and requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. A, resolution 1997/39
and chap. XIV.]

10. Human rights and scientific and technological developments

The Commission on Human Rights, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/42 of 28 August 1997, approves the appointment of Mr. Osman El-Haffé as Special Rapportuer to conduct a detailed study of the potentially adverse and positive consequences of scientific progress and its applications for the integrity, disnity and human rights of the individual, and requests the Special Rapporteur to submit a preliminary report to the fiftieth session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to complete his study.

[See chap. II, sect. A, resolution 1997/42
and chap. XIV.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-NINTH SESSION

A. Resolutions

1997/1. Situation of human rights in the Congo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that the Congo is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the first Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the four Geneva Conventions of 1949,

Recalling the Peace Pact of 24 December 1995 in which the parties agreed to general disarmament and the dissolution of militias,

Welcoming the ceasefire of mid-July 1997 and the continuing discussions in Libreville, within the framework of the International Committee of Mediation for the Negotiated Resolution of the Conflict, presided over by the President of Gabon, H.E. Mr. Omar Bongo,

1. Expresses its concern:

(a) That the Peace Pact of 24 December 1995 has not been fully implemented;

(b) At the reports of hundreds of deaths, including those of children and other civilians, in the intercommunal strife which has occurred since early June 1997 and the continuing loss of life in the city of Brazzaville;

(c) At the reports of thousands of people who have been forced to leave their homes in the city of Brazzaville during the intercommunal strife;

(d) At allegations of torture by parties to the conflict;

(e) At the continuing difficulties experienced by the Government of the Congo and humanitarian organizations in providing medical care and other social services in the city of Brazzaville;

(f) At the shoot-on-sight policy announced by the Minister of Security in January and then apparently discontinued, but with no announcement of a formal cancellation of the policy;

(g) That the presidential elections could not be held;

2. Calls upon the Government of the Congo and all parties to the conflict:

(a) To abide by their obligations under international human rights and humanitarian law and to cease abuses;

(b) To create conditions for the delivery of medical care and other social services in the city of Brazzaville;

(c) To select an independent, respected and impartial elections commission to arrange for elections, to allow free and fair elections, to agree to abide by the results, taking into account the need for diversity in the ethnic composition of the Government, and to develop a civil society for the maintenance of human rights and peace;

(d) To develop confidence-building measures so that people from all parts of the Congo can again enjoy freedom of movement;

(e) To develop mechanisms for transparency such that everyone will know how governmental revenues are being distributed and spent;

(f) To provide access to and cooperate with a recognized humanitarian body in protecting the rights of detainees throughout the country and contributing to the protection of the civilian population of the country;

(g) To ensure thorough and impartial investigations into allegations of violations of human rights and international humanitarian law and to bring the perpetrators to justice;

3. Decides to recommend that the Commission on Human Rights consider the situation of human rights in the Congo at its next session and, if the Commission is unable to take action on the situation of human rights in the Congo, to continue consideration of the matter at its fiftieth session under the same agenda item.

23rd meeting
20 August 1997
[Adopted by secret ballot by 13 votes to 10,
with 2 abstentions. See chap. IV.]

1997/2. Situation of human rights in Bahrain

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the obligation of States under the Charter of the United Nations to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also its conviction that racism and racial discrimination negate the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Noting that the elected National Assembly of Bahrain was dissolved in August 1975, that for twenty-two years Bahrain has been without an elected legislature, and that there are no democratic institutions in Bahrain,

Noting also that Bahrain is facing problems of internationally assisted terrorism, and condemning all acts of terrorism in that country,

Noting further the information concerning a serious deterioration of the human rights situation in Bahrain, including discrimination against the indigenous Shi'a population, extrajudicial killings, persistent use of torture in Bahraini prisons on a large scale as well as the abuse of women and children who are detained, and arbitrary detention without trial or access by detainees to legal advice,

1. Expresses its deep concern about the alleged gross and systematic violations of human rights in Bahrain;

2. Urges the Government of Bahrain to comply with applicable international human rights standards and to ratify the International Covenants on Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Requests the Commission on Human Rights at its next session to consider the situation of human rights in Bahrain under its agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

24th meeting
21 August 1997
[Adopted by secret ballot by 12 votes to 11, with 1 abstention. See chap. IV.]

1997/3. Situation of human rights in the Democratic People's Republic of Korea

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, particularly its article 13, and the International Covenant on Civil and Political Rights, particularly its article 12, to which the Democratic People's Republic of Korea is a party,

Noting, in the light of resolution 1997/22 of 11 April 1997 of the Commission on Human Rights, that the Democratic People's Republic of Korea is not included in the list of countries under consideration by the Commission under public procedures (see E/CN.4/Sub.2/1997/33, annex),

Concerned by persistent and concordant allegations that grave violations of human rights are being committed in that country, including recourse to mass internments in administrative detention centres, and by serious restrictions affecting, in violation of article 13 of the Universal Declaration of Human Rights and of article 12 of the International Covenant on Civil and Political Rights, the right of everyone to leave any country, including his own, and to return to his country.

Deeply concerned by the virtual impossibility of obtaining information or visiting that country to ascertain whether or not there are grounds for the allegations concerning the situation of human rights in that country, and to obtain information concerning the legislation in force and the manner in which it is implemented,

Deploring, in this connection, the delay by the Democratic People's Republic of Korea in submitting its second periodic report on the implementation of the International Covenant on Civil and Political Rights, due now for almost 10 years,

1. Urgently calls upon the Government of the Democratic People's Republic of Korea to ensure full respect for article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, both of which relate to the right of everyone to leave any country, including his own, and to return to his country;

2. Requests the Government of the Democratic People's Republic of Korea to fulfil its obligations and delay no longer the submission of its second periodic report to the Human Rights Committee and to extend its cooperation with the procedures and services established by the United Nations with the aim of ensuring promotion and protection of human rights;

3. Invites the international community to devote greater attention to the situation of human rights in the Democratic People's Republic of Korea and thus assist the population of that country in emerging from the isolation in which it is maintained;

4. Also invites the international community to furnish increased assistance to the Democratic People's Republic of Korea in order to help it to overcome the present period of food shortage and the suffering it is causing.

24th meeting
21 August 1997
[Adopted by secret ballot by 13 votes to 9,
with 3 abstentions. See chap. IV.]

1997/4. Situation of migrant workers and members of their families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1997/13 and 1997/15, dated 3 April 1997, and its resolution 1996/10 of 23 August 1996,

Reaffirming that acts of violence against migrant workers, both men and women, constitute flagrant violations of the international instruments relating to human rights, and in particular the Convention on the Elimination of All Forms of Discrimination against Women,

Convinced that the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will contribute to the improvement of the situation of migrant workers and to the protection of their rights,

Sharing the opinion of the Commission on Human Rights on the situation of vulnerability in which migrants frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of languages, customs and culture,

Taking note with interest of the recommendations adopted by the seminar on immigration, racism and racial discrimination,

1. Affirms that immigration is by no means a burden but rather a phenomenon whose effects are rewarding for receiving societies in economic, social and cultural terms;

2. Considers that if the geographical dynamics of international migratory movements are steadily increasing, it is because poverty is growing in a large number of developing countries and the use of foreign labour in the developed countries is continuing despite claims that there is a crisis;

3. Regrets the contradiction which exists between the free movement of goods, the liberalization of trade in services and financial transactions encouraged by the transnational corporations and international financial institutions, and the increasingly draconian restrictions imposed on the movement of individuals;

4. Again condemns acts of violence resulting from racism, racial discrimination and xenophobia directed against migrant workers;

5. Calls on the competent authorities of receiving countries to pay particular attention to the protection of women migrant workers, who are confronted with dual discrimination as women and migrant workers;

6. Takes note with satisfaction of the positive measures taken by the European Union to give practical substance to the Year against Sex Tourism which it has proclaimed, and the measures decided by several European countries with the aim of legalizing certain situations whose precarious character seriously affects migrant workers and members of their families;

7. Appeals to the States concerned by immigration to study the possibility of granting migrant workers dual nationality which would constitute a positive factor for integration, with due respect for cultural identity, and also protection against the evils of racial discrimination;

8. Affirms that the promulgation and/or reinforcement by Governments of effective legislation against racism and racial discrimination would guarantee the protection of migrant workers and members of their families;

9. Welcomes the establishment by the Commission on Human Rights of a working group on migrants and human rights;

10. Considers that it would be useful, on the occasion of the establishment of policies aimed at protecting the rights of migrant workers, for Governments to be able to benefit from the experience of representatives of migrant workers' organizations;

11. Is convinced that an information campaign on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would contribute to its ratification;

12. Again appeals to all Governments to ratify the Convention in order that it may be put into effect as soon as possible;

13. Decides to continue to consider this question at its next session under the same agenda item.

25th meeting
21 August 1997
[Adopted without a vote. See chap. V.]

1997/5. Racism and racial discrimination

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/8 of 23 August 1996, in which the Sub-Commission expressed its full support for the convening, as soon as possible, of a world conference to combat racism and racial discrimination,

Welcoming Commission on Human Rights resolution 1997/74 of 18 April 1997, in which the Commission recommended that the General Assembly convene a world conference on racism and racial discrimination, xenophobia and related intolerance not later than the year 2001 and noted the importance of taking a gender perspective into account throughout the preparation of the conference,

Welcoming also Economic and Social Council decision 1997/293 of 23 July 1997, in which the Council endorsed the call for the General Assembly to convene a world conference on racism and related intolerance not later than the year 2001 and expressed the view that the conference itself should be action-oriented, with a focus on practical measures to eradicate racism,

Welcoming further General Assembly resolution 50/136 of 21 December 1995, in which the Assembly decided that the international community in general and the United Nations in particular should give the highest priority to programmes for combating racism and racial discrimination, and Assembly resolution 51/81 of 12 December 1996 in which the Assembly expressed its regret at the lack of interest, support and financial resources for the Third Decade to Combat Racial Discrimination and Racial Discrimination and its Programme of Action,

Expressing its gratitude to the Committee on the Elimination of Racial Discrimination for recommending future Sub-Commission studies that could usefully contribute to the work of the Committee,

Noting with grave concern the persistence of racism and the emergence of new forms of racial discrimination, xenophobia and related intolerance, including new policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, moreover, at the increasingly violent forms of racism and racial discrimination in different parts of the world which constitute a grave threat to the building of a social order where all human rights can be realized,

Recognizing, in particular, that the four hundred year tragedy of plantation slavery in the Americas continues to be felt throughout the hemisphere, and that African diaspora communities in the Americas continue to suffer from the legal, political and economic legacies of the slave trade, so that today Black communities in the Americas are among the poorest of the poor and poverty is an immutable fact of life for the majority of peoples of African descent living in the Americas, Conscious that there exists a connection between the growing problem of racism and racial discrimination and global social and economic developments, including the widening gap between rich and poor within and between countries,

Deeply concerned that the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination has remained largely unimplemented,

Convinced that the increasing danger of racism and racial discrimination must be met by a concerted response by the international community commensurate with the threat posed to the realization of the objective of the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Convinced that the convening of a third world conference to combat racism and racial discrimination in the near future would send a clear signal of the determination of the world community to deal decisively with the scourge of racism and would be an important opportunity for developing comprehensive, action-oriented strategies to combat racism and racial discrimination,

1. Encourages States that have not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination to do so, with a view to eradicating all forms of racial discrimination within their territories, and appeals to States parties to the Convention to submit their reports to the Committee on the Elimination of Racial Discrimination in a timely manner;

2. Calls upon Member States to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

3. Requests the Secretary-General to take every measure, including those approved by the General Assembly in its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994 and in the programme budget relating to the activities of the Third Decade, to ensure the implementation of the recommendation by the General Assembly to establish a focal point on racism within the Centre for Human Rights for the coordination of activities under the Third Decade;

4. Calls upon the Working Group on Minorities to consider how the Sub-Commission in its future work might usefully address the continuing legal, political and economic legacies of the African slave trade, as experienced by Black communities throughout the Americas;

5. Expresses its full support for the convening of a world conference to combat racism and racial discrimination not later than the year 2001, as recommended by the Commission on Human Rights in its resolution 1997/74 and the Economic and Social Council in its decision 1997/293;

6. Calls upon Member States to respond positively to the proposal to convene a world conference to combat racism and racial discrimination;

7. Confirms its readiness to contribute actively at every stage of the preparations for a world conference to combat racism and racial discrimination;

8. Requests the United Nations High Commissioner for Human Rights to submit to the Commission on Human Rights a report on the status of preparations for the world conference to combat racism and racial discrimination and the ways and means in which the Sub-Commission and other relevant bodies can contribute to the tasks the Commission proposed be entrusted to it as the preparatory committee for the world conference to combat racism and racial discrimination;

9. Expresses its belief that the world conference to combat racism and racial discrimination should carefully consider the complicated interplay of discrimination based on race and discrimination based on other grounds, such as gender;

10. Proposes to hold in 1998, jointly with the Committee on the Elimination of Racial Discrimination, an expert seminar that will explore in depth, inter alia, the issues put forward by the Committee on the Elimination of Racial Discrimination for further study by the Sub-Commission (see E/CN.4/Sub.2/1997/31), and determines, in addition, to continue to explore other opportunities to collaborate with and support the work of the Committee on the Elimination of Racial Discrimination;

11. Resolves that the Sub-Commission should strive in all of its work to include disaggregated data on the extent to which direct or indirect discrimination and violations of economic, social or cultural rights may be linked to racial, ethic or gender distinctions;

12. Invites all organizations and bodies of the United Nations, and particularly the special procedures of the Commission on Human Rights, to the extent appropriate within their mandates, to include an assessment of race and ethnicity factors in the conduct of their respective programmes of work, including all reporting under international human rights instruments and mechanisms;

13. Notes the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and calls upon both Member States and the Secretary-General to provide the Special Rapporteur, without delay, with all necessary assistance and resources to enable him to carry out his full mandate;

14. Takes note with satisfaction of the recommendations adopted by the Seminar on Immigration, Racism and Racial Discrimination organized by the High Commissioner/Centre for Human Rights from 5 to 9 May 1997, requests that the recommendations be widely distributed, and expresses the hope that the

Commission's working group of intergovernmental experts on the protection of the human rights of migrants will take the conclusions and recommendations of the Seminar into consideration during its deliberations;

15. Decides to give full attention to these issues at its fiftieth session under the same agenda item.

25th meeting
21 August 1997
[Adopted without a vote. See chap. V.]

1997/6. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994, 1995/29 of 24 August 1995 and 1996/27 of 29 August 1996,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993 and the analytical report on forced evictions prepared by the Secretary-General (E/CN.4/1994/20) and submitted to the Commission at its fiftieth session,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted arbitrarily or on a discriminatory basis from one's home, land or community,

Recognizing that the practice of forced eviction often involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, resulting in greater homelessness and inadequate housing and living conditions,

Noting that when, under exceptional circumstances, evictions are considered to be justified, such evictions must be carried out in strict compliance with relevant human rights provisions which demand, inter alia, that such evictions must not be carried out on a discriminatory or arbitrary basis, that evictions must be carried out through legal procedures that ensure appropriate due process protections and that, owing to the universal right to housing which is enshrined, most notably, in article 11 of the International Covenant on Economic, Social and Cultural Rights, such evictions must not result in individuals being rendered homeless or vulnerable to other human rights violations,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling that general comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6), and general comment No. 4 (1991) in which the Committee considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with relevant principles of international law (E/1992/23, annex III, para. 18),

Noting with appreciation the adoption of general comment No. 7 (1997) on forced evictions by the Committee on Economic, Social and Cultural Rights (E/C.12/1997/4), in which the Committee recognized, inter alia, that women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable groups all suffer disproportionately from the practice of forced eviction, and that women in all groups are especially vulnerable, given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property or accommodation, and given the particular vulnerability of women to acts of violence and sexual abuse when they are rendered homeless,

Noting also the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14, annex II) adopted by the United Nations Conference on Human Settlements (Habitat II) convened in Istanbul in June 1996,

1. Reaffirms that forced evictions may often constitute gross violations of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to freedom of movement, the right to privacy, the right to property, the right to an adequate standard of living, the right to security of the home, the right to security of the person, the right to security of tenure and the right to equality of treatment;

2. Strongly urges Governments to undertake immediately measures at all levels aimed at eliminating the practice of forced eviction by, inter alia, ensuring the right to security of tenure for all residents;

3. Also strongly urges Governments to confer legal security of tenure on all persons, including all women and men who are currently threatened with forced eviction, and to adopt all necessary measures giving full protection against unreasonable eviction, based upon effective participation, consultation and negotiation with the affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their rights and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. _Invites_ all international financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, to take fully into account the views contained in the present resolution and other related pronouncements under international human rights and humanitarian law on the practice of forced eviction;

6. _Requests_ the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging her responsibilities and to undertake measures, whenever possible, to persuade Governments to comply with relevant international standards, to prevent planned forced evictions from taking place, and to ensure the provision of adequate compensation when forced evictions have already occurred;

7. _Welcomes_ the report of the expert seminar on the practice of forced evictions, which was convened by the Secretary-General in Geneva from 11 to 13 June 1997 (E/CN.4/Sub.2/1997/7) and the comprehensive human rights guidelines on development-based displacement adopted by the expert seminar and annexed to its report;

8. _Requests_ the Commission on Human Rights to invite all States to consider the comprehensive human rights guidelines on development-based displacement with a view to their approving guidelines for such displacement as soon as possible;

9. _Decides_ to consider the issue of forced evictions at its fiftieth session under the agenda item entitled "The realization of economic, social and cultural rights", insofar as necessary to achieve the objectives outlined in paragraph 8 above, and to determine how most effectively to continue its consideration of the issue of forced evictions.

27th meeting
22 August 1997
[Adopted without a vote. See chap. VI.]

1997/7. The realization of the right to education, including education in human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles relating to the right to education enshrined in the International Bill of Human Rights, in particular article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child which provide that everyone has the right to education,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, in particular part I, paragraph 33, and part II, paragraphs 78 to 82, thereof, _Recalling_ the World Declaration on Education for All: Action to Meet Basic Learning Needs, adopted at Jomtien, Thailand, on 9 March 1990,

Recalling Commission on Human Rights resolution 1996/44 of 19 April 1996,

Recalling the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy convened by the United Nations Educational, Scientific and Cultural Organization at Montreal, Canada, in 1993,

Bearing in mind the United Nations Decade for Human Rights Education proclaimed by the General Assembly in its resolution 49/184 of 23 December 1994, which is to end in the year 2004,

Noting that the question of the right to education has not been sufficiently dealt with in the framework of the United Nations bodies responsible for the protection of human rights,

Noting with satisfaction the developing international awareness of the importance of education, particularly in the field of human rights, for human development,

Conscious of the central role played by human rights education in combating intolerance, racism and exclusion,

1. _Encourages_ States to make all necessary efforts to ensure realization of the right to education and the promotion of human rights education at all levels of the educational system;

2. _Decides_ to place the question of the right to education, and particularly human rights education, on the agenda of the Sub-Commission for the duration of the United Nations Decade for Human Rights Education (1995-2004);

3. _Requests_ Mr. Mustapha Mehedi to prepare, without incurring financial obligations, a working paper on the right to education, and particularly human rights education, for submission to the Sub-Commission at its fiftieth session, the purpose of the working paper being to explain the content of the right to education, taking account, in particular, of its social dimension and the freedoms it includes and of its dual civil and political rights and economic, social and cultural rights character, and to identify ways and means of promoting human rights education.

27th meeting
22 August 1997
[Adopted without a vote. See chap. VI.]

1997/8. Traditional practices affecting the health of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/19 of 19 August 1996,

Considering that female genital mutilation is a cultural practice which profoundly affects the physical health and mental health of the girl child and of women who are its victims,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Bearing in mind General Assembly resolution 843 (IX) of 17 December 1954 in which the Assembly, considering that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles enunciated in the United Nations Charter and in the Universal Declaration of Human Rights, urged all States to take all appropriate measures with a view to abolishing them,

Recalling the obligations undertaken by all States which have ratified the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

1. Takes note with satisfaction of the report submitted by the Special Rapporteur, Mrs. Halima Embarek Warzazi (E/CN.4/Sub.2/1997/10 and Add.1);

2. Draws attention to article 5 of the Convention on the Elimination of All Forms of Discrimination against Women which provides that States parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of eitner of the sexes;

3. Recalls that article 24 of the Convention on the Rights of the Child expressly calls on States parties to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children;

4. Fully supports the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, which proclaims that gender-based violations, including those resulting from cultural prejudice, are incompatible with the dignity and worth of the human person and must be eliminated;

5. Appeals urgently to States to implement the Plan of Action on the elimination of traditional practices affecting the health of women and children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1);

6. Takes note with satisfaction of the progress achieved by certain Governments in their struggle against harmful traditional practices and, in particular, against female genital mutilation;

7. Regrets, however, the small number of replies received, in particular from the Governments concerned, on the implementation of the Plan of Action;

8. Expresses its concern at the recent obstacles encountered by the campaign against female genital mutilation in certain countries;

9. Lends its support to the Governments and to the non-governmental organizations of the countries concerned and of all countries facing a similar situation in order that they may continue to work towards the total elimination of this cultural practice;

10. Appeals to all States concerned to intensify efforts to develop awareness of and to mobilize national public opinion concerning the harmful effects of the practice, in particular through education, information and training, in order to achieve the total elimination of female genital mutilation;

11. Appeals to the international community to provide its material, technical and financial support to the non-governmental organizations and groups that are working with dedication to achieve the total elimination of this cultural practice that is harmful to girl children and women;

12. Commends the intergovernmental organizations concerned for the important contribution they are making to the efforts to eliminate harmful traditional practices and invites them to continue their activities aimed at supporting and strengthening the efforts being made by national and local organizations engaged in this struggle;

13. Requests the Special Rapporteur to submit to the Sub-Commission, at its next session, her follow-up report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, in the framework of the Plan of Action.

27th meeting
22 August 1997
[Adopted without a vote. See chap. VII.]

1997/9. Implementation of the human rights of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/21 of 29 August 1996 on the implementation of the human rights of women and the girl child,

Emphasizing that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

Welcoming General Assembly resolution 51/65 of 12 December 1996, in which the Assembly expressed its particular concern for the problem of violence against women migrant workers,

Recalling the outcomes of the World Conference on Human Rights held in Vienna from 14 to 25 June 1993 (A/CONF.157/23), the International Conference on Population and Development held in Cairo from 5 to 13 September 1994 (A/CONF.171/13), the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in Copenhagen from 6 to 12 March 1995 (A/CONF.166/9), and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women held in Beijing from 4 to 15 September 1995 (A/CONF.177/20),

Bearing in mind the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women,

Emphasizing that the production and use of statistics disaggregated by gender should be promoted as a fundamental tool for identifying and monitoring the participation of women in economic, political and social spheres, including education, management, and policy- and decision-making,

Welcoming the work and noting with appreciation the reports of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, and of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi, on traditional practices affecting the health of women and the girl child, the latest of which are contained in documents E/CN.4/1997/47 and Add.1-4 and E/CN.4/Sub.2/1997/10 and Add.1, respectively,

Deeply concerned at the continuing reports of grave abuses and acts of violence committed against women, and that some groups of women are especially vulnerable to acts of discrimination, violence and abuse based on gender, including women belonging to minority groups, indigenous women, refugee women,

women migrant workers, women living in rural communities, women living in poverty, women with disabilities, elderly women, women in situations of armed conflict and girl children,

Convinced of the need to eliminate all forms of sexual violence and sexual exploitation, including trafficking for the purposes of prostitution, other forms of commercial sex, domestic labour and servile forms of marriage, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Affirming that all violations of the human rights of women in situations of armed conflict, including in particular murder, systematic rape, sexual slavery and forced pregnancy, are flagrant violations of international human rights and humanitarian law,

Recognizing that the advancement of women in the development process requires a further elaboration of international principles of equality regarding inheritance laws and practices,

1. Requests that, where appropriate, future studies submitted to the Sub-Commission include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection and gender-specific recommendations to remedy these violations;

2. Urges Governments and non-governmental, national and international organizations to collect and disseminate gender-disaggregated statistics and indicators to monitor the representation and participation of women at all levels of political, economic and social life, with special attention to the impact of the multiple barriers faced by many women who exist at the intersection of discrimination based on race, gender and poverty;

3. Calls upon Governments to promote and support the elimination of biases in educational systems to counteract gender segregation of the labour market, enhance the employability of women and effectively improve women's skills and broaden women's access to career choices, in particular in science, new technologies and other areas of potential expansion of employment;

4. Also calls upon Governments to measure and value through existing and improved mechanisms the unpaid work of women, such as work in agriculture, food production, voluntary work, work in family businesses, natural resource management and domestic work, in order to evaluate fully the economic contributions of women;

5. Urges Governments to take increased measures to ensure that the economic and social rights of women are being fully promoted and implemented through their equal access to economic resources, including land, property rights, and credit and savings schemes, such as women's banks and cooperatives;

6. Also urges Governments to undertake measures to harmonize national legislation and customary and traditional practices with international principles of equality with respect to the right of inheritance of women and girls;

7. Further urges Governments, in order to prevent and eliminate all forms of violence against women and girls, to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women and to ensure just and effective remedies and compensation to victims, taking into special consideration women who are at high risk of violence, such as women migrant workers, refugee women and women in conflict situations;

8. Urges all Governments to ensure that protection against gender-based crimes is adequately reflected in all aspects of the Statute and Rules that are currently being negotiated for an International Criminal Court, and in particular that the crimes of rape, widespread or systematic rape, sexual slavery, forced prostitution and other gender-based crimes are addressed throughout the principles, definitions, and rules of evidence and procedure for an International Criminal Court;

9. Calls upon all Governments that have not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women, without resort to reservations that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law;

10. Also calls upon Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all offenders, including persons acting under governmental authority and intermediaries, whether their offences were committed in their own or in a foreign country, while ensuring that the victims of these practices are not penalized;

11. Calls upon the multilateral financial institutions to take into consideration at all times the need of developing countries to allocate funds to ensure the economic and social advancement of women;

12. Calls upon the Secretary-General to take all steps necessary to ensure that the Committee on the Elimination of Discrimination against Women has equal status and resources with other human rights treaty monitoring bodies and to strengthen coordination among these bodies through the systematic exchange of information and the convening of future round tables to explore gender issues of common concern;

13. Urges the Secretary-General, in cooperation with the Office of the Special Adviser on Gender Issues and the Advancement of Women, to take the necessary steps to strengthen the function of the Focal Point for Women and to ensure the full implementation of the strategic plan of action for the improvement of the status of women in the Secretariat and, in particular, to fulfil his target of having women hold 50 per cent of managerial and decision-making positions by the year 2000 as reaffirmed by the General Assembly in resolution 51/67 of 12 December 1996;

14. Fully supports the request of the Commission on the Status of Women, contained in its resolution 41/6 of 21 March 1997, that the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Special Rapporteur on violence against women and all other relevant rapporteurs and working groups, including treaty body experts, be invited to participate in the discussion at the forty-second session of the Commission on the Status of Women on the critical areas of concern "human rights of women" and "the girl child";

15. Supports the decision of the Commission on the Status of Women at its forty-first session, approved by the Economic and Social Council in its decision 1997/227 of 21 July 1997, to renew the mandate of the in-session open-ended working group on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and urges the working group to accelerate its consideration of the development of an optional protocol;

16. Decides to consider more fully the implications of the Beijing Platform for Action for the work of the Sub-Commission in such areas as women and poverty, the role of women in global development and the promotion of human rights, as well as additional measures to combat violence against women, including trafficking, at its fiftieth session under the same agenda item.

27th meeting
22 August 1997
[Adopted without a vote. See chap. VII.]

1997/10. Permanent forum within the United Nations system for indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II.32),

Recalling General Assembly resolutions 48/163 of 21 December 1993 and 50/157 of 21 December 1995 and noting Commission on Human Rights resolution 1997/30 of 11 April 1997,

Deeply convinced that the establishment of a permanent forum cannot be considered as an alternative to the continued existence of the Working Group on Indigenous Populations, Taking note of the reports of the workshops held in Copenhagen and Santiago de Chile in accordance with Commission on Human Rights resolutions 1995/30 of 3 March 1995 and 1997/30, respectively (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3 and E/CN.4/Sub.2/AC.4/1997/CRP.1),

Taking into account the comments and suggestions of the members of the Working Group on Indigenous Populations and other participants at the fifteenth session of the Working Group on this matter,

1. Recommends that a permanent forum for indigenous peoples within the United Nations system be established as soon as possible in the course of the International Decade of the World's Indigenous People and that its mandate include, inter alia, questions relating to the rights of indigenous peoples and all matters contained in the programme of activities for the International Decade;

2. Endorses in particular the recommendation of the Santiago workshop and the Working Group on Indigenous Populations that the Commission on Human Rights at its fifty-fourth session consider how to further the process of establishing a permanent forum for indigenous peoples in the United Nations, inter alia through the drafting of concrete proposals to this effect, bearing in mind the possibility of submitting the matter to the Economic and Social Council for action;

3. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 1.]

27th meeting
22 August 1997
[Adopted without a vote. See chap. IX.]

1997/11. The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, under the Charter, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in Article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter, Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources", and the resolutions adopted by the World Summit for Social Development (A/CONF.166/9, chap. I),

Mindful that in the Vienna Declaration and Programme of Action (A/CONF.157/23) the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that the Working Group on the Right to Development identified the concentration of economic and political power in a few countries and corporations as one of the obstacles to the realization of the right to development,

Noting also that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment both at the national and the international level,

Taking into account the fact that the Working Group on the Right to Development recommended the adoption of new international legislation and the creation of effective international institutions to regulate the activities of transnational corporations and banks, and in particular to resume the multilateral negotiations on a code of conduct for transnational corporations,

Bearing in mind the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Office in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling its resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/36 of 25 August 1993, 1993/40 of 26 August 1993, 1994/40, 1994/41 and 1994/48 of 26 August 1994, 1995/31 of 24 August 1995 and 1996/39 of 30 August 1996,

Recalling also Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995 and 1996/15 of 11 April 1996 and noting resolution 1997/9 of 3 April 1997,

Taking into account the background document (E/CN.4/Sub.2/1995/11) prepared by the Secretary-General in accordance with its resolution 1994/37 and the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31,

1. Reaffirms the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, underlining the multidimensional, integrating and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach defined in the Declaration on the Right to Development should provide a basis for the work undertaken on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations;

3. Decides to entrust Mr. El-Hadji Guissé with the task of preparing, without incurring financial implications, a background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission at its fiftieth session.

27th meeting
22 August 1997
[Adopted without a vote. See chap. VI.]

1997/12. Study on indigenous land rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Acknowledging that indigenous peoples in many countries have been deprived of their human rights and fundamental freedoms and that many of the human rights problems faced by indigenous peoples are linked to the historical and continuing deprivation of ancestral rights over lands, territories and resources, Recognizing the profound spiritual, cultural, social and economic relationship that indigenous peoples have to their total environment and the urgent need to respect and recognize the rights of indigenous peoples to their lands, territories and resources,

Acknowledging that lack of secure land rights, in addition to continued instability of State land tenure systems and impediments to efforts for the promotion and protection of indigenous communities and the environment, is imperilling the survival of indigenous peoples,

Recognizing that United Nations organs and Member States have increasingly acknowledged that lands and natural resources are essential to the economic and cultural survival of indigenous peoples, and that some States have enacted legal measures that uphold indigenous land rights or have established procedures for arriving at legally binding agreements on indigenous land-related issues,

Mindful of the development of relevant international standards and programmes which promote and affirm the rights of indigenous peoples to their lands and resources, in particular the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development, World Bank Operational Directive 4.20, the draft Inter-American Declaration on the Rights of the Indigenous Peoples developed by the Inter-American Commission on Human Rights of the Organization of American States, and the draft United Nations declaration on the rights of indigenous people,

Recognizing that despite these international and national advances, problems continue to abound which impede the effective enjoyment of indigenous land rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or policies regarding indigenous land claims or in other instances have not provided adequate implementing mechanisms concerning indigenous land rights that are mutually acceptable to the parties concerned,

Recalling also the activity of the United Nations, which lays the groundwork for a thorough inquiry into the subject of indigenous land rights, in particular, the Sub-Commission's study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1986/7 and Add.1-4),

Recalling further the report and recommendations of the expert seminar on practical experiences regarding indigenous land rights and claims, held in Whitehorse, Canada, in March 1996 (E/CN.4/Sub.2/AC.4/1996/6),

Recalling its resolution 1996/38 of 29 August 1996, in which it recommended that the Commission on Human Rights authorize the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on indigenous land rights,

Recalling also Commission on Human Rights decision 1997/114 of 11 April 1997 and Economic and Social Council decision 1997/289 of

22 July 1997 endorsing the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur with the mandate to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard,

Having heard the important introductory statement of the Special Rapporteur on indigenous peoples and their relationship to land,

Having considered the comprehensive preliminary working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1997/17 and Corr.1),

1. _Expresses its deep appreciation and thanks_ to the Special Rapporteur for her introductory statement and the working paper on indigenous peoples and their relationship to land;

2. _Requests_ the Secretary-General to transmit the working paper to Governments, indigenous peoples and intergovernmental and non-governmental organizations, as soon as possible, for their comments and suggestions;

3. _Requests_ the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its sixteenth session and to the Sub-Commission at its fiftieth session.

27th meeting
22 August 1997
[Adopted without a vote. See chap. IX.]

1997/13. _Protection of the heritage of indigenous people_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting decision 1997/112 of 11 April 1997 of the Commission on Human Rights, approved by decision 1997/287 of 22 July 1997 of the Economic and Social Council, in which the Commission recommended that Ms. Erica-Irene A. Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts,

Noting also that the Commission, in decision 1997/112, requested the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work, Recalling the Special Rapporteur's final and supplementary reports (E/CN.4/Sub.2/1995/26 and E/CN.4/Sub.2/1996/22) and welcoming the report of the technical meeting on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1997/15),

1. Expresses its appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her important and constructive work on the protection of the heritage of indigenous people;

2. Requests the Special Rapporteur to continue to exchange information with Governments, indigenous peoples and all parts of the United Nations system on the heritage of indigenous people;

3. Requests the United Nations High Commissioner for Human Rights to convene, prior to the sixteenth session of the Working Group on Indigenous Populations and the fiftieth session of the Sub-Commission, a seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

27th meeting
22 August 1997
[Adopted without a vote. See chap. IX.]

1997/14. Working Group on Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations, Taking note with appreciation of the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14) and, in particular, of its conclusions and recommendations,

Recalling of Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the decision of the Working Group on Indigenous Populations to highlight specific themes during its fifteenth session and the fruitful discussions on issues relating to indigenous peoples and environment, land and sustainable development, and to indigenous peoples and health,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the important and constructive work accomplished during its fifteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its fifteenth session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-fourth session;

4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis which might assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Expresses its appreciation to the Chairperson-Rapporteur of the Working Group for her supplementary working paper on the concept of "indigenous peoples" (E/CN.4/AC.4/1997/2);

6. Recommends that the Working Group on Indigenous Populations, at its sixteenth session, continue to address indigenous health and indigenous land rights issues, and to include "indigenous peoples: education and language" as the principal item on the agenda of the sixteenth session;

7. Requests the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on matters

relating to "indigenous peoples: education and language", as well as health and land rights, to be made available as background papers at the session;

8. Requests the United Nations High Commissioner for Human Rights to encourage the undertaking of studies with respect to the rights to food and adequate nutrition of indigenous peoples as they relate to the access by indigenous peoples to land, cultural heritage and health and, as appropriate, to call for an international workshop on the theme with the participation of Governments, United Nations bodies, programmes and organizations, and indigenous and non-governmental organizations with a view to evaluating the present access to adequate food and the nutritional status of indigenous peoples and to contributing to practical measures to improve the situation;

9. Requests the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group on Indigenous Populations at its sixteenth session will highlight education and language issues, so that the Board can bear this in mind when it meets for its eleventh session;

10. Requests the Secretary-General to prepare an annotated agenda for the sixteenth session of the Working Group containing, inter alia, the following items: standard-setting activities, including a sub-item on possible future standard-setting activities, including guidelines or codes of conduct for private sector energy and mining concerns; review of developments, including sub-items on review of developments: general statements, review of developments: indigenous peoples - education and language and review of recent developments: health and indigenous peoples; study on indigenous peoples and their relationship to land; a permanent forum for indigenous peoples; the International Decade of the World's Indigenous People, including a sub-item on preparations for the mid-point review of the Decade; and the study on treaties, agreements and other constructive arrangements between States and indigenous peoples;

11. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fiftieth session of the Sub-Commission;

12. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

27th meeting
22 August 1997
[Adopted without a vote. See chap. IX.]

1997/15. International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Convinced that the science of biology and progress and developments in biological sciences must be in the interests of human beings and human life, and not vice versa,

Deeply concerned that the understanding of human nature has been significantly modified by the rapid rise of developments in biotechnology as a science, particularly in the modification, removal and replacement of human genes, and that indigenous peoples are most vulnerable to the risk of being singled out for human genetic research and human gene patenting by the biotechnology industry,

Recalling that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health,

Recalling also General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Having considered the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14),

1. Welcomes the observance of the International Day of the World's Indigenous People on 9 August;

2. Also welcomes the recommendation made by the Commission on Human Rights in its resolution 1997/32 of 11 April 1997 that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the International Decade;

3. Recommends that the Coordinator for the Decade consider holding a special fund-raising meeting with interested permanent missions and the members of the Advisory Group to encourage financial contributions to the United Nations Trust Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the secondment of qualified

staff, including indigenous persons, to assist with the work of the High Commissioner/Centre for Human Rights relating to the programme for indigenous peoples;

4. Also recommends that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;

5. Further recommends that in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible in the International Decade;

6. Welcomes the reports of the workshops held in Copenhagen and Santiago de Chile, in accordance with Commission on Human Rights resolutions 1995/30 of 3 March 1995 and 1997/30 of 11 April 1997 respectively (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3 and E/CN.4/Sub.2/AC.4/1997/CRP.1);

7. Congratulates the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

8. Takes note of the work of the United Nations Educational, Scientific and Cultural Organization in the field of the human genome to complete the preliminary draft of a universal declaration on the human genome and human rights, a standard-setting framework urgently needed to ensure that such research and its applications are developed in a harmonious way that demonstrates regard for human dignity, in particular for the dignity and way of life of indigenous peoples;

9. Recognizes the need for a systematic analysis of the problems faced by indigenous peoples when matters of biodiversity, genetics and the use of biological resources and sustainability are being discussed, negotiated and determined, in order to protect indigenous peoples' cultures, way of life and survival, within the context of the programme of activities for the International Decade;

10. Expresses its appreciation to the Government of Spain for its offer to host a workshop of indigenous journalists in Madrid in 1998;

11. Urges the High Commissioner/Centre for Human Rights, in consultation with the Government of Spain, to accelerate the relevant procedure so that the planned workshop of indigenous journalists can take place early in 1998, with the participation of government representatives, indigenous journalists, competent United Nations agencies, including the Information Service of the United Nations Office at Geneva, the Chairperson-Rapporteur of the Working Group on Indigenous Populations and the International Press Institute;

12. Requests the Working Group on Indigenous Populations, at its sixteenth session, to prepare for the mid-point review of the International Decade of the World's Indigenous People in 1999;

13. Welcomes the recommendation made by the Commission on Human Rights in its resolution 1997/32 that the High Commission/Centre for Human Rights convene a workshop in the spring of 1998 for research and higher education institutions focusing on indigenous issues.

27th meeting
22 August 1997
[Adopted without a vote. See chap. IX.]

1997/16. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note with appreciation of the working paper prepared by Mr. Ribot Hatano pursuant to its decision 1996/114 of 29 August 1996 (E/CN.4/Sub.2/1997/3),

Welcoming the establishment of a sessional working group on the methods of work of the Sub-Commission, chaired by Mr. Marc Bossuyt,

Noting that the sessional working group was unable, owing to lack of time, to complete its consideration of the working paper,

Hoping that ample time, either in public or private meetings, will be allocated to complete the consideration of the working paper during its next session,

1. Decides to entrust Mr. Ribot Hatano with the preparation of a revised working paper containing a compilation of rules of procedure, guidelines, decisions and practices applicable to the work of the Sub-Commission, taking full account of the opinions expressed both at the sessional working group and the Sub-Commission, including written comments submitted to the Secretariat during the forty-ninth session, and to submit his report to the Sub-Commission at its fiftieth session;

2. Requests the Secretary-General to provide Mr. Hatano with all the assistance needed for his work, especially the translation into English of the comments referred to in the preceding paragraph and their transmittal to him as soon as possible and not later than the end of November.

35th meeting
27 August 1997
[Adopted without a vote. See chap. III.]

1997/17. Organization of the sessions of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that in its resolution 1997/22 of 11 April 1997 the Commission on Human Rights requested the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency,

Noting that in the same resolution the Commission called upon the Sub-Commission to focus on its primary role as an advisory body of the Commission, to facilitate efficient and effective participation of non-governmental organizations, to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission,

Mindful of the in-depth debate held at its forty-eighth session on the issue of possible alternatives to how its annual session is organized,

Considering that the present form of its sessions - four weeks of meetings of five working days per week, with at least two daily plenary or in-session committee meetings and a total of not less than forty meetings per session - is not conducive to improving its effectiveness as an advisory body, since it does not permit an in-depth review and analysis of all the documentation and initiatives submitted for its consideration as a collective body, nor facilitate thorough consultations among its expert members and more constructive exchanges of views and opinions between them and participating governmental and non-governmental observer delegations,

Recalling its decision 1996/112 of 29 August 1996, in which it requested the Secretary-General to examine the financial and other implications of alternatives to the present organization of its sessions,

Having considered the note submitted by the Secretary-General on this subject (E/CN.4/Sub.2/1997/2),

Considering that, prima facie, a five-week session of five working days per week with one week of two daily meetings and four weeks of only one meeting per day offers a better possibility to enhance its capability to play the role of an advisory body to the Commission,

Taking into account that according to the Secretary-General's estimates obtained from the Conference Services Division of the Secretariat and the Administrative and System Support Section of the High Commissioner/Centre for Human Rights (E/CN.4/Sub.2/1997/2, annexes I and II), in the worst possible situation the cost of the five-week-session option mentioned in the preceding paragraph will not exceed 38 thousand dollars, or 1.86 per cent, more than the cost of the present four-week arrangement for its annual sessions,

1. Requests the Commission on Human Rights and the Economic and Social Council to authorize it, on a trial basis, to organize its fiftieth, fifty-first and fifty-second sessions in the form of five-week sessions of

five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Decides to re-examine this issue at its fifty-second session under the relevant agenda item, in the light of the experience gained during its fiftieth and fifty-first sessions;

3. Recommends the following resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution.]

35th meeting
27 August 1997
[Adopted by a roll-call vote of 12 votes to 7,
with 5 abstentions. See chap. III.]

1997/18. Promotion of the realization of the right of access of everyone to drinking water supply and sanitation services

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, *inter alia*, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, especially the recommendations of its Programme of Action concerning the United Nations system (A/CONF.166/9), *inter alia*, the need to strengthen United Nations operational activities for development in order to implement the World Summit outcome, and the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, particularly by developing countries (para. 99 (e)),

Taking particular account of the provisions of chapter 18 of Agenda 21, the programme adopted by the United Nations Conference on Environment and Development on the protection of the quality and supply of fresh-water resources,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Deeply concerned to note that one billion four hundred million people in the world are still deprived of access to drinking water supply and that some four billion lack decent conditions of sanitation,

Affirming the right of each woman, man and child to access to drinking water supply and sanitation services in order to live in dignity, security and peace,

Taking into consideration the International Drinking Water Supply and Sanitation Decade (1981-1990), and the celebration, on 22 March of each year, of the World Day for Water (General Assembly resolutions 45/181 of 21 December 1990 and 47/193 of 22 December 1992, respectively),

Bearing in mind the objectives of a "twenty-twenty"-type compact concerning in particular the access of all to drinking water supply and sanitation services, as expressed in the United Nations Development Programme's Human Development Report 1994,

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Reaffirming the inherent link between the enjoyment of all human rights, in particular economic, social and cultural rights, and the right of each woman, man and child to have access to drinking water supply,

1. Reaffirms the Declaration on the Right to Development, as proclaimed by the General Assembly in resolution 41/128 of 4 December 1986, wherein stress is laid on the multidimensional, integrated and dynamic character of this right which promotes partnership for development and constitutes a relevant framework for international cooperation and national action aimed at universal and effective observance of all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach, as defined in the Declaration on the Right to Development, should constitute a basis for work to be carried out on the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services;

3. Decides to entrust to Mr. El-Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services;

4. Requests Mr. Guissé to submit his working paper to the Sub-Commission at its fiftieth session;

5. Decides to consider the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services at its fiftieth session under the agenda item entitled "The realization of economic, social and cultural rights", and to determine the most effective way of continuing consideration of the question of the promotion of the realization of this right.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VI.]

1997/19. Women and the right to adequate housing and to land and property

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the recognition and legal foundations of the right to adequate housing contained in, *inter alia*, articles 7, 12, 17 and 25, paragraph 1 of the Universal Declaration of Human Rights; article 2, paragraph 2 and article 11, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights; article 2, paragraph 1 and articles 17 and 26 of the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; article 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also general comment No.4 (1991) on the right to adequate housing and general comment No. 7 (1997) on forced evictions adopted by the Committee on Economic, Social and Cultural Rights,

Recalling further Commission on Human Rights resolution 1993/77 of 10 March 1993 entitled "Forced evictions",

Recalling its own resolutions 1991/26 of 29 August 1991, 1992/26 of 27 August 1992, 1993/36 of 25 August 1993, 1994/38 of 26 August 1994 and 1995/27 of 24 August 1995, entitled "Promoting the realization of the human right to adequate housing",

Recognizing that women face particular constraints in securing and maintaining their right to housing because of the continued existence of gender-biased laws, policies, customs and traditions which exclude women from acquiring land, security of tenure and inheritance rights to land and property and owing to women's reproductive role, and that these constraints are particularly acute for women who also face discrimination on one or more other grounds, including race, ethnicity, creed, disability, age, socio-economic status and marital status, Alarmed that more women than men live in absolute poverty and that female-headed households, which comprise one fourth of all households worldwide, are very often among the poorest,

Concerned that continued discrimination faced by women in all matters relating to land and property is the single most critical factor in the perpetuation of gender inequality and poverty,

Disturbed that millions of women worldwide suffer from extremely poor housing and living conditions, including severe pollution, overcrowding, polluted water and inadequate sanitation, all of which give rise to serious mental and physical health problems and cause thousands of women to die, or to live in a permanent state of ill-health,

Aware that women are largely excluded from the housing and planning development process, which leads to the underutilization of their knowledge and experience and results in development policies and projects that are insensitive to women's requirements for the improvement of their housing, neighbourhoods and communities,

Aware also that women experience discrimination by being denied access to, inter alia, the right to rent, own or inherit housing, land and property; economic resources, including agricultural and housing credits and loans; economic opportunities through employment and self-employment, training, information and education; health care and social support services, and that such discrimination has a particularly adverse impact on female-headed households,

Concerned that women and children suffer disproportionately from the practice of forced eviction and that women bear the brunt of traumatized and dislocated communities,

Deeply concerned that inadequate and insecure housing and living conditions contribute to, cause and are often the result of violence against women and that women's lack of security of tenure, resulting from domestic violence as well as gender-biased laws, customs and traditions which exclude women from renting, owning or inheriting land or property, exposes women to homelessness and landlessness,

Stressing that the violation of women's right to adequate housing results in the violation of other civil, cultural, economic, political and social rights such as the right to equality before the law and equal protection of the law, the right to life, the right to security of the person, the right to work, the right to health and the right to education,

Aware that the Secretary-General, in his report "Women in urban areas: population, nutrition and health factors for women in development, including migration, drug consumption and AIDS" (E/CN.6/1994/3) submitted to the Commission on the Status of Women at its thirty-eighth session, stated that security of tenure promotes greater participation of women in community management and that this, in turn, helps households escape the poverty trap,

Mindful that the Habitat Agenda (A/CONF.165/14), adopted by the United Nations Conference on Human Settlements (Habitat II), recognizes women's right to adequate housing and to land and property and the importance of all actors adopting and implementing policies, laws and programmes aimed at the realization of these rights,

Mindful also that the Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women recognizes the links between women's poverty and lack of access to economic opportunities including land ownership and inheritance,

Noting that the Plan of Action adopted by the World Food Summit recognizes women's right to land in relation to their right to food,

Noting also that the Special Rapporteur on violence against women of the Commission on Human Rights in her preliminary report (E/CN.4/1995/42) noted that economic and social factors, including inadequate housing, can cause domestic violence,

Noting further resolution 16/7 of 7 May 1997 entitled "The realization of the human right to adequate housing" adopted by the United Nations Commission on Human Settlements in which it recommended that a joint programme be elaborated between the United Nations Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) to assist States with the implementation of their commitments to ensure the realization of the right to adequate housing as provided for in international instruments,

1. _Reaffirms_ the universal nature and existence of the right to adequate housing in terms of its relevance to all human rights with respect to women;

2. _Encourages_ States to comply fully with all their international and regional obligations and commitments concerning the legally recognized rights of women to land, property, inheritance, adequate housing including security of tenure, an adequate standard of living and the continuous improvement of living and housing conditions and to create opportunities for women to acquire training, education and information in all matters related to these rights;

3. _Reminds_ Governments of the critical importance of providing women with legal resources and human rights information and education to address the violence they experience in relation to housing, and to enact and enforce laws and policies that protect women against violence in this context;

4. _Recognizes_ the importance in this regard of international cooperation and the need for cooperation between Governments, non-governmental organizations and international agencies;

5. _Requests_ the United Nations High Commissioner for Human Rights, in pursuance of her mandate, to undertake initiatives to promote women's right to adequate housing and to land and property;

6. _Encourages_ the High Commissioner/Centre for Human Rights to include fully in all the projects undertaken by the technical cooperation and advisory services programme specific activities related to the promotion and protection of women's right to adequate housing and to land and property;

7. Also encourages the High Commissioner/Centre for Human Rights to include fully in all its field operations specific activities relating to the promotion and protection of women's right to adequate housing and to land and property;

8. Recommends that the Special Rapporteur of the Commission on Human Rights on violence against women include in her next report an in-depth analysis of the relationship between violence against women and violations of the right to adequate housing and to land and property, including forced evictions;

9. Also recommends that all relevant special rapporteurs and the special representative of the Secretary-General on internally displaced persons take into account in the preparation of their reports the question of the housing, land and property rights of women;

10. Invites the Commission on the Status of Women to consider the right to adequate housing and to land and property in its continued research on the impact of violations of economic, social and cultural rights on women;

11. Invites the Committee on the Elimination of Discrimination against Women to pay special attention to the issue of the housing, land and property rights of women when examining States parties' reports and to explore the possibility of adopting a general recommendation on women and housing rights as this relates, inter alia, to the provisions of article 14 of the Convention on the Elimination of All Forms of Discrimination against Women, with a view to clarifying the obligations of States parties to the Convention in this respect;

12. Invites the Committee on Economic, Social and Cultural Rights to consider devoting a day of general discussion to the impact of structural discrimination, poverty and inadequate housing and living conditions on the economic, social and cultural rights of women, with a view to adopting a general comment on article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;

13. Strongly suggests that the joint programme of the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) focus directly on women and the right to adequate housing and to land and property;

14. Requests Governments, the organizations and bodies of the United Nations and the specialized agencies actively to support local, national and international initiatives, including the development of human rights indicators, aimed at assessing and improving the housing and living conditions of women throughout the world, in full consultation with and with the full participation of women themselves, their representatives and community-based non-governmental organizations and other relevant groups;

15. Invites the Food and Agriculture Organization of the United Nations, in its implementation of the Plan of Action adopted by the World Summit on Food, to focus on women's poverty in relation to their rights to land and property;

16. Invites the International Labour Organization to consider women's housing, land and property rights in its monitoring and development of the Recommendation concerning Workers' Housing, 1961 (No. 115) and the Home Work Convention, 1996 (No. 177);

17. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to take fully into account the human rights implications for women of their policies, in particular structural adjustment programmes and the funding of large-scale development projects that often lead to forced evictions;

18. Decides to review the question of women and the right to adequate housing at its fiftieth session, under the relevant agenda item.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VI.]

1997/20. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/23 of 27 August 1992 and 1993/37 of 26 August 1993 concerning the study on the impunity of perpetrators of violations of human rights,

Recalling also its resolution 1994/34 of 26 August 1994 in which it entrusted Mr. El-Hadji Guissé with the task of reporting to it on impunity in respect of violations of economic, social and cultural rights, together with its resolutions 1995/34 of 24 August 1995 and 1996/24 of 29 August 1996,

Considering that the Special Rapporteur submitted in 1995 a first interim report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1995/19), followed by a second interim report (E/CN.4/Sub.2/1996/15) in 1996, and the final report (E/CN.4/Sub.2/1997/8) in 1997,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur to the Commission on Human Rights for consideration;

2. Recommends to the Commission on Human Rights that it consider the possibility of appointing a special rapporteur of the Commission on the impunity of perpetrators of violations of economic, social and cultural rights.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VI.]

1997/21. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

Welcoming the appointment by the Secretary-General of the members of the Board of Trustees of the Fund,

Welcoming also the holding of the third session of the Board of Trustees from 17 to 19 March 1997, at which the Board recommended that the Secretary-General invite six representatives of non-governmental organizations to attend the twenty-second session of the Working Group and that he finance three projects,

Welcoming further the decision of the Secretary-General to approve these recommendations,

Concerned at the insufficiency of contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which prevents it from effectively fulfilling its mandate,

1. Expresses its appreciation for the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and for their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery;

2. Encourages the activities of those non-governmental organizations financed by the Trust Fund;

3. Thanks the Chairman and the members of the Board of Trustees of the Fund who attended the session of the Working Group for their constructive participation in its work;

4. Expresses its support for the work of the members of the Board of Trustees, in particular their fund-raising activities;

5. Urges all Governments, non-governmental organizations and individuals to respond favourably to requests for contributions to the Trust Fund in order to enable the Fund to fulfil its mandate effectively;

6. Invites the members of the Board of Trustees of the Trust Fund in a position to do so to participate at the twenty-third session of the Working Group;

7. Decides to continue to examine the situation and the activities of the Trust Fund at its fiftieth session.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VIII.]

1997/22. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to child and bonded labour, sexual exploitation, in particular of children, the traffic in persons, migrant and domestic workers and sexual slavery during wartime,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others, and of strengthening the mechanism of implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

2. Recommends once again that the General Assembly consider proclaiming 2 December as the day for the abolition of slavery in all its forms;

I. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. Welcomes the outcome of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

4. Recalls the adoption by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

5. Requests the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the efficacy of such measures;

6. Recommends that Governments prohibit the advertising or publicizing of sex tourism and that they do not facilitate other commercial activities involving sexual exploitation;

7. Encourages Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with HIV and the spread of AIDS;

8. Recommends that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

9. Invites the Secretary-General, in cooperation with the International Telecommunication Union, to continue to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, inter alia, child pornography and sex tourism;

10. Recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

11. Welcomes the positive measures taken by the World Tourism Organization and professionals in the field of tourism to combat sex tourism, and encourages the reinforcement of such activities;

II. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

12. Takes note of the information on these problems submitted by the Special Rapporteur in her report to the Commission on Human Rights (E/CN.4/1997/95 and Add.1-2);

13. Also takes note of the information on these problems submitted by the participants at the twenty-second session of the Working Group and requests the High Commissioner/Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

14. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

15. Strongly encourages the Special Rapporteur to participate in the twenty-third session of the Working Group, in view of the importance of her contribution to its deliberations;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

16. Encourages the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft optional protocol, and calls upon the Working Group to outline a framework for international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

17. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

18. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Commercial sexual exploitation of children

19. Welcomes the dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

20. Calls upon all States to muster the political will to give priority to this issue and to initiate through national debate and an intersectoral dialogue a process which moves from deploring the issue to the urgent adoption of a national agenda for action that includes the gathering of gender-disaggregated data, indicators of progress, setting goals, a time-frame for its implementation and national monitoring mechanisms;

21. Calls for increased cooperation between and concrete action-oriented measures by States and international organizations;

D. Traffic in human organs and tissues

22. Notes the information submitted by the Secretary-General to the Commission on Human Rights (E/CN.4/1997/78) in accordance with Commission resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide upon possible follow-up to this matter;

23. Welcomes the adoption by the Commission on Human Rights of resolution 1997/20 of 11 April 1997, in which the Commission requested the

Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

24. Encourages the World Health Organization to continue to pay special attention to this issue, welcomes once again the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation, and notes the report of its first meeting held in Annecy, France, on 10 and 11 October 1996;

III. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

25. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

26. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Convention on the Minimum Age for Admission to Employment, 1973 (No. 138);

27. Calls for international cooperation in order to assist the States concerned in their struggle against bonded labour;

28. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report to the Sub-Commission and the Commission at their next sessions;

IV. ERADICATION OF BONDED LABOUR

29. Takes note with satisfaction of the promulgation by certain States of laws against bonded labour, and appeals to their Governments to adopt all necessary measures to ensure the full implementation of such laws;

30. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour;

31. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

V. FORCED LABOUR

32. Reaffirms once again that forced labour is a contemporary form of slavery;

33. Decides to continue to give consideration to this issue at its next session;

VI. MIGRANT WORKERS

34. Decides to give priority to the consideration of the question of domestic and migrant workers at its next sessions;

35. Also decides to continue to give particular attention to the situation of girl children domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

36. Notes the difficult situation in which girl children are living and the need for them to be provided with protection with a view to their fullest human development and participation in the life of their community being ensured;

37. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

38. Also urges States to take the necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

39. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

40. Welcomes Commission on Human Rights resolution 1997/15 of 3 April 1997 in which the Commission decided to establish a working group consisting of five intergovernmental experts on human rights and migrants;

41. Also welcomes the conclusions and recommendations of the United Nations seminar on immigration, racism and racial discrimination held in Geneva from 5 to 9 May 1997, and requests the Secretary-General to disseminate them widely;

42. Recommends that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ILLEGAL AND PSEUDO-LEGAL ADOPTIONS AIMING AT THE EXPLOITATION OF CHILDREN

43. Takes note of the information received concerning cases of children adopted for commercial purposes and any other form of traffic;

44. Urges States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

45. Decides to continue to give consideration to this issue at its next session;

VIII. ELIMINATION OF VIOLENCE AGAINST WOMEN

A. Violence against women

46. Decides to give more priority to exploring preventive measures for the elimination of violence against women, in particular in situations of armed conflict;

47. Welcomes the work of the Special Rapporteur on violence against women and notes her report (E/CN.4/1997/47 and Add.1-4);

48. Invites Governments, intergovernmental organizations and non-governmental organizations to disseminate widely the report of the Special Rapporteur and to implement the recommendations contained therein;

49. Decides to pay special attention to the next report of the Special Rapporteur, which will focus on violence against women during armed conflict;

50. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict;

51. Requests the Secretary-General to transmit the final report to be prepared by the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to the Working Group at its next session;

52. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to participate in the twenty-third session of the Working Group;

B. Sexual slavery during wartime, in particular during the Second World War

53. Takes note of the information provided by the Government of Japan, as well as by other parties concerned, with regard to actions in relation to the issue of women sex slaves during the Second World War, recognizing the positive steps made so far towards the solution to this issue;

54. Encourages further efforts towards a constructive dialogue;

55. Invites the Government of Japan to continue to cooperate with the United Nations and the specialized agencies in this matter;

56. Decides to continue to consider this issue at its next session;

IX. MISCELLANEOUS

57. Decides to biennialize the consideration of the issues of incest and early marriage, including the consideration of ways to combat incest and sexual abuse of children inside the family and the urgent need for adequate help to be offered to victims of such practices;

58. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice and assistance;

59. Urges Member States to take adequate steps to punish severely the perpetrators of this most heinous offence;

60. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for the future action of the Working Group with a view to its considering their replies at its forthcoming sessions;

61. Appeals to all Governments to send representatives to the meetings of the Working Group;

62. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

63. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

64. Recommends that the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

65. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

66. Welcomes again the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

67. Again requests the Secretary-General to designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery;

68. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

69. Decides, in arranging its agenda, to make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VIII.]

1997/23. Prevention of discrimination against and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Noting Commission resolution 1997/16 of 3 April 1997, in which the Commission commended the role of the Working Group on Minorities as an important forum for the promotion of the rights of persons belonging to minorities and expressed its expectation that the Working Group would further implement its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants,

Having considered the comprehensive report of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18) and in particular the conclusions and recommendations contained in paragraphs 105 to 125 thereof, Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Welcomes the substantive information submitted to the sessions of the Working Group on Minorities and the dialogue engaged between minorities and Governments, and the report of the Working Group on its third session;

2. Decides to transmit the report of the Working Group on Minorities on its third session together with the working papers prepared by members of the Working Group to the Commission on Human Rights for consideration;

3. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group with a view to its holding one session annually;

4. Invites the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights;

5. Appeals to all Governments, intergovernmental organizations, United Nations bodies, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

6. Invites the Working Group to elaborate and submit to the Sub-Commission guidelines concerning the content and scope of the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

7. Welcomes the seminar on multicultural and intercultural education held on 23 and 24 May 1997 and the recommendations thereof contained in document E/CN.4/Sub.2/AC.5/1997/WP.5, and invites the Working Group to pursue its efforts to organize further seminars, without financial implications, in accordance with the recommendations contained in its reports;

8. Recommends that the Working Group continue the consideration of the issue of citizenship and nationality within the context of minority rights;

9. Requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide their comments

on the Hague Recommendations regarding the Education Rights of National Minorities (E/CN.4/Sub.2/AC.5/1997/WP.3, annex), in accordance with paragraph 111 of document E/CN.4/Sub.2/1997/18;

10. Also requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide information on good practices organized according to the principles contained in the Declaration, in accordance with paragraph 109 of document E/CN.4/Sub.2/1997/18;

11. Recommends that minority rights issues and programmes for intercultural education be made a core component of the action plans for the United Nations Decade for Human Rights Education;

12. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, when considering States parties' reports, give particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child, and include in their guidelines an item concerning minorities;

13. Also recommends that the treaty bodies, special rapporteurs, special representatives and the relevant working groups continue to pay due regard, within their mandates, to the principles contained in the Declaration;

14. Requests the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts to disseminate information on the Declaration and to continue to submit information on the application thereof to the Working Group on Minorities in compliance with article 9 of the Declaration;

15. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

16. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

35th meeting
27 August 1997
[Adopted without a vote. See chap. X.]

1997/24. Situation of street children and minor detainees

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with satisfaction section VIII of resolution 1997/78 of 18 April 1997 of the Commission on Human Rights concerning the plight of street children,

Reminding all States parties to the Convention on the Rights of the Child of their obligations with regard to effective implementation of all its provisions,

Seriously concerned at reports from reliable sources indicating that in some countries street children and, in particular, minor detainees are suffering serious violations of human rights,

Deploring the fact that the Governments concerned remain silent about the conditions of internment of young detainees as regards the lack of infrastructure, the untrained personnel and the intolerable behaviour of this personnel towards these detainees,

Noting with concern the absence in the countries concerned of specific legislation to govern offences committed by minor children, the absence of preventive and educational measures for their reintegration into society which would enable minor detainees to become rehabilitated and no longer marginalized, as well as the very limited number of children's magistrates capable of understanding the problems of delinquent children and seeing that they are cared for,

1. Recommends to the Commission on Human Rights that it invite all States parties to the Convention on the Rights of the Child that have not already done so to incorporate all the provisions of the Convention in their domestic legislation, so as to ensure that the rights of the child are not subject to any infringement or violation;

2. Requests the Commission on Human Rights, having regard to the gravity of the violations suffered by street children, who are often manipulated by criminal groups, to consider the possibility of appointing a special rapporteur on the human rights situation of street children.

35th meeting
27 August 1997
[Adopted without a vote. See chap. XI.]

1997/25. Juvenile justice

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of its decision at its present session to include the question of juvenile justice as sub-item (d) of item 9 dealing with the administration of justice and human rights, Recalling that Ms. Lucy Gwanmesia, as a member of the sessional working group on the administration of justice and the question of compensation, was requested at the 1996 session of the working group to prepare a working paper on juvenile justice,

Recalling also that article 37 of the Convention on the Rights of the Child provides that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and that neither capital punishment nor life imprisonment shall be imposed on children, and that no child shall be detained or imprisoned except in conformity with the law,

Reaffirming section I, paragraph 21, of the Vienna Declaration and Programme of Action (A.CONF.157/23), adopted by the World Conference on Human Rights, in which the Conference, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States, urged universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures,

Mindful of the international human rights instruments pertaining to the question of juvenile justice, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"),

1. Notes with interest the discussions at the 1996 sessional working group on the administration of justice concerning the question of juvenile justice (see E/CN.4/Sub.2/1997/21, chap. V) and mindful of the importance attached to this question expressed during the discussion by the Sub-Commission of the report of the working group;

2. Regrets that in contravention of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") many States continue to detain children with adult prisoners;

3. Also regrets that in many States the system of administration of justice fails to take account of the special psychological and physical needs of children;

4. Calls upon States to provide for the establishment of juvenile courts in their respective systems of administration of justice;

5. Notes with regret that the Committee on the Rights of the Child has so far been unable to adopt any general comments on the Convention on the Rights of the Child;

6. Decides to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session;

7. Invites the relevant organizations and bodies of the United Nations system, in particular the United Nations Children's Fund and the Committee on the Rights of the Child, to cooperate with Ms. Gwanmesia in the preparation of her working paper.

35th meeting
27 August 1997
[Adopted without a vote. See chap. XI.]

1997/26. Privatization of prisons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decisions 1989/110 of 1 September 1989 and 1992/107 of 27 August 1992,

Recalling also that in its decision 1993/109 of 25 August 1993, the Sub-Commission requested the Commission on Human Rights to authorize it to appoint, at its forty-sixth session, one of its members to undertake a special study on this issue,

Mindful of Commission on Human Rights decision 1994/103 of 4 March 1993, in which the Sub-Commission was requested to reconsider its decisions to recommend a number of new studies, including the one relating to the privatization of prisons, and to submit its recommendations to the Commission at its fifty-first session,

Considering that following the guidance given by the Commission and in order to monitor developments on this issue, the Sub-Commission refrained from submitting new proposals to the Commission on this matter at its forty-sixth, forty-seventh and forty-eighth sessions,

Bearing in mind the working paper submitted by Mr. Miguel Alfonso Martínez in which he made a proposal as to the best possible way for the Sub-Commission to study the issue of privatization of prisons (E/CN.4/Sub.2/1991/56) and the outline prepared by Ms. Claire Palley on the possible utility, scope and structure of a special study on this matter (E/CN.4/Sub.2/1993/21),

Taking into account that in recent years the practice of privatizing penal facilities has been adopted by an increasing number of States and that a wide variety of issues relating to the advantages and disadvantages of the privatization of prisons have been raised and discussed by many sources,

Taking into account also the ample discussion held on this matter during this year's session of its working group on the administration of justice (see E/CN.4/Sub.2/1997/21, paras. 39-45) and the recommendation submitted thereon to the Sub-Commission by the working group (E/CN.4/Sub.2/1997/21, para. 46),

1. Decides to request its parent bodies to authorize it to appoint Mr. Ali Khan as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the obligation

to respect and implement the legislation in force in the country concerned and the possible civil responsibility of enterprises managing private prisons and their employees, a study which should be completed in time for consideration by the Sub-Commission at its fifty-second session;

2. Recommends the following decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 5.]

36th meeting
28 August 1997
[Adopted without a vote. See chap. XI.]

1997/27. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report of Mr. Leandro Despouy on the protection of human rights during states of emergency and the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1997/19 and Add.1),

1. Thanks the Special Rapporteur for the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1997/19/Add.1) and for his final report on the protection of human rights during states of emergency (E/CN.4/Sub.2/1997/19), and recommends to the Commission on Human Rights that it request the Secretary-General to publish the final report in all the official languages;

2. Decides to request Mr. Ioan Maxim to serve as the new Special Rapporteur on the question of human rights and states of emergency and to submit in the eleventh annual report an updated list of States which have proclaimed or extended a state of emergency, and a list, to be submitted every five years, of those States which have terminated a state of emergency, together with further recommendations on the protection of human rights during states of emergency;

3. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

36th meeting
28 August 1997
[Adopted without a vote. See chap. XI.]

1997/28. *Question of the impunity of perpetrators of violations of human rights (civil and political rights)*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of ensuring impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it was decided that a study should be carried out on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolution 1993/37 of 26 August 1993 and its resolution 1994/34 of 26 August 1994, in which it decided, in order to facilitate the treatment of the question, to entrust Mr. Louis Joinet with the completion of the first aspect of the study, concerning civil and political rights, as well as its resolution 1995/35 of 24 August 1995 and its decision 1996/119 of 29 August 1996,

Bearing in mind section II, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the practice of ensuring impunity for perpetrators of violations of human rights,

1. *Welcomes with satisfaction* the final report of the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (civil and political rights), Mr. Louis Joinet (E/CN.4/Sub.2/1997/20), and in particular the set of principles for the protection and promotion of human rights through action to combat impunity contained in annex II thereto;

2. *Thanks* the Special Rapporteur for having undertaken extensive consultations during the forty-ninth session of the Sub-Commission in order to revise the set of principles in accordance with the views expressed by the Sub-Commission at its forty-ninth session;

3. *Decides* to transmit the revised set of principles for the protection and promotion of human rights through action to combat impunity to

the Commission on Human Rights at its fifty-fourth session, with a view to its possible transmission to the General Assembly, through the Economic and Social Council.

36th meeting
28 August 1997
[Adopted without a vote. See chap. XI.]

1997/29. Freedom of movement and population transfer

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsion and deportation, population transfer, forcible population exchange, unlawful evacuation, eviction and forcible relocation, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders not only deprive the affected populations of their rights to freedom of movement but also threaten the peace and security of States,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and article 14 of the Universal Declaration of Human Rights, which reaffirm that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolutions 1995/13 of 18 August 1995 and 1996/9 of 23 August 1996, in which it decided to continue its consideration of the question of population displacement and to keep under constant review any developments in the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return,

Recalling further that in its resolution 1996/9 it requested the Secretary-General to convene an expert group seminar on population transfer,

Expressing its appreciation of the work and of the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh (E/CN.4/Sub.2/1997/23), as well as the conclusions and recommendations of the expert group seminar on the human rights dimensions of population transfer, held in Geneva from 17 to 21 February 1997, contained therein,

Noting that policies and practices of forcible displacement continue to be the major causes of refugee flows and the displacement of persons within States, _Concerned_ that the growing number of refugees and internally displaced persons worldwide poses a serious threat to peace and security and that restrictive policies of many States may lead to difficulties for people leaving their country in order to seek asylum, as well as to the detention of refugees and asylum seekers,

Noting the need to further rationalize and harmonize the various international standards in this complex and evolving area,

Convinced that a comprehensive strategy needs to be devised to implement the standards in tangible programmes of action within both a regional and national context,

1. _Welcomes_ the final report of the Special Rapporteur on the human rights and population transfer and the draft declaration on population transfer and the implantation of settlers annexed thereto, as a first step towards defining the standards and legal norms pertaining to population transfer and the freedom of movement;

2. _Welcomes_ the working paper on the right of freedom of movement and related issues prepared by Mr. Volodmyr Boutkevitch (E/CN.4/Sub.2/1997/22) as a contribution towards a comprehensive approach to combating policies and practices of forcible displacement;

3. _Affirms_ the right of persons to be protected from forcible displacement and to remain in peace in their own homes, on their own lands and in their own countries;

4. _Also affirms_ the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their countries of origin and, within them, to their places of origin or choice, and urges Governments to assist in and facilitate such return;

5. _Urges_ Governments and other entities involved to do everything possible to stop and prevent all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international law;

6. _Urges_ all States to respect the principle of non-refoulement and to safeguard and give effect to the right of everyone to seek and to enjoy in other countries asylum from persecution;

7. _Strongly encourages_ all Governments and other entities, including intergovernmental and non-governmental organizations, to intensify their cooperation and assistance to implement the relevant international standards in order to address the serious problems resulting from forcible displacement, and the root causes of such displacement;

8. _Decides_, in its further work on the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return, to examine the legal standards applicable to different types of forced displacement and any lacunae between those standards;

9. _Also decides_ to convene a further expert seminar, in close cooperation with relevant intergovernmental and non-governmental organizations and without financial implications, to assist in and to make practical

recommendations for the further work of the Sub-Commission on the right to freedom of movement in time for submission to the Sub-Commission at its fifty-first session;

10. _Further decides_ to recommend to the Commission on Human Rights that the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh, be published and widely disseminated;

11. _Recommends_ to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 7.]

36th meeting
28 August 1997
[Adopted without a vote. See chap. XII.]

1997/30. _Study concerning the right to freedom of movement_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the _Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country_ (United Nations publication, Sales No. E.64.XIV.2), submitted to the Sub-Commission at its fifteenth session in 1963 by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session,

Recalling also the study concerning an analysis of the current trends and developments regarding the right to leave any country, including one's own, and to return to one's own country (E/CN.4/1988/35 and Add.1 and Add.1/Corr.1), submitted to the Sub-Commission at its fortieth session by the Special Rapporteur, Mr. C.L.C. Mubanga-Chipoya (Zambia),

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence, and the prohibition of arbitrary deprivation of the right to leave any country, including one's own, and to return to one's country, as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Taking note of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to his own country,

Recalling its decision 1996/109 of 23 August 1996, in which the Sub-Commission, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided to entrust Mr. Volodymyr Boutkevitch with the task of preparing, without financial implications, a working paper on the right to freedom of movement and related issues,

1. Welcomes the working paper on the right to freedom of movement and related issues prepared by Mr. Boutkevitch (E/CN.4/Sub.2/1997/22);

2. Decides, since this subject requires careful and comprehensive inquiry, to recommend to the Commission on Human Rights and the Economic and Social Council the appointment of Mr. Boutkevitch as Special Rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;

3. Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

36th meeting
28 August 1997
[Adopted without a vote. See chap. XII.]

1997/31. The right to return

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every person to return to his or her own country, as enshrined in article 13, paragraph 2, of the Universal Declaration of Human Rights and article 5 (d) (ii) of the International Convention on the Elimination of All Forms of Racial Discrimination, and the prohibition of arbitrary deprivation of the right to enter one's own country contained in article 12, paragraph 4, of the International Covenant on Civil and Political Rights,

Recalling its resolution 1996/9 of 23 August 1996 in which it affirmed the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice, and in which it decided to continue to study the question of the freedom of movement, including the right to return,

Recognizing the fundamental significance of the observance and promotion of the right to return voluntarily to one's country or place of origin as a principal means of resolving the problems and suffering of refugees and internally displaced persons,

Conscious that the arbitrary deprivation of nationality, prohibited by article 15, paragraph 2, of the Universal Declaration of Human Rights, constitutes a violation of a fundamental and inalienable human right and an impediment to the right to return to one's country,

Recalling the Convention of the Reduction of Statelessness,

Aware of Commission on Human Rights resolution 1997/36 of 11 April 1997 entitled "Human rights and arbitrary deprivation of nationality", in which the Commission reaffirmed the importance of the right to nationality of every human person as an inalienable human right, recognized that arbitrary deprivation of nationality on racial, national, ethnic or religious grounds is a violation of human rights and fundamental freedoms, and called upon all States to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to nationality, and to repeal such legislation if it already exists,

Concerned that the plight of many refugees in certain parts of the world may represent a serious denial of their right to return and of their right to a nationality, and is likely to result in a serious increase in the phenomenon of statelessness,

1. Reaffirms the fundamental right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice;

2. Emphasizes the crucial importance of the right to return voluntarily to one's country or place of origin as a principal means of long-term resolution of the plight of refugees and internally displaced persons;

3. Reaffirms the fundamental and inalienable nature of the right of every human person to a nationality;

4. Emphasizes its opposition to all instances of arbitrary deprivation of nationality, especially those based on racial, national, ethnic or religious grounds, as a violation of human rights and fundamental freedoms and an impediment to the right to return to one's country;

5. Urges all States to respect and promote the right to return and the right to a nationality;

6. Particularly urges Governments of host States and Governments of countries from which refugees originate actively to negotiate with each other and, where negotiations have not yet been successful, to use the good offices of the Secretary-General or of the United Nations High Commissioner for Human Rights, or neutral third party mediation, and to include representatives of the refugees and of the Office of the United Nations High Commissioner for Refugees, in a genuine and concerted effort to realize the primary purpose of such negotiations, which is to make possible the voluntary repatriation of the refugees to their country of origin without further unnecessary delay, using

where necessary the mechanism of an internationally monitored verification process to determine, in accordance with international legal principles, which of the refugee population have the right to return;

7. Requests the United Nations High Commissioner for Refugees to take all necessary steps, in line with the Convention on the Reduction of Statelessness, to ensure that refugees do not become stateless;

8. Calls upon Governments to revise their citizenship laws, with the technical assistance of the Centre for Human Rights and with the advice of the Office of the United Nations High Commissioner for Refugees, so that these laws are brought into accord with international human rights law and with the Convention on the Reduction of Statelessness;

9. Decides to keep this matter under consideration at its fiftieth session.

36th meeting
28 August 1997
[Adopted without a vote. See chap. XII.]

1997/32. Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolutions 51/77 of 12 December 1996 on the rights of the child and 51/76 of 12 December 1996 on the girl child and Commission on Human Rights resolutions 1996/85 of 24 April 1996 and 1997/78 of 18 April 1997 on the rights of the child,

Reaffirming that in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and the Beijing Declaration and Platform for Action (A/CONF.177/20), adopted by the Fourth World Conference on Women, national and international mechanisms and programmes for the respect of all rights of all children should be strengthened,

Encouraged by the widespread commitment and political will shown by the large number of States that have become parties to the Convention on the Rights of the Child,

Profoundly concerned, nevertheless, at both the lack of realization and continued violations of the rights of children and youth in many parts of the world, due, inter alia, to lack of resources and inadequate implementation of the instruments mentioned above and other relevant national and international standards,

Reaffirming that all States have a duty to fulfil the obligations they have undertaken under the various international instruments to which they are parties or have accepted, and emphasizing in this regard the importance of the full implementation by States parties of the provisions of the Convention on the Rights of the Child,

Aware that at both the national and the international level the norms relating to the promotion and protection of the human rights of children and youth are adopted, implemented and monitored by adults and that violations of those rights are also mainly committed by adults, facts which highlight the importance of education aimed at making adults more aware of the mentality, needs and predicaments of children and youth in a given society,

Having considered the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13),

Mindful of the general and other recommendations included in the Working Group's report, in particular those relating to the sexual exploitation of children, the protection of minors from exposure to or involvement in pornography, illegal and pseudo-legal adoptions aimed at the exploitation of children, allegations of removal of organs from children for the purpose of commercial transplants and non-therapeutic research, the exploitation of child labour, the sale of children, child abuse and the exploitation of children,

Convinced that the Sub-Commission can and must play a positive role in the promotion and protection of the rights of children and youth,

Aware that owing to the large number of United Nations treaty and non-treaty bodies concerned with the promotion and protection of the human rights of children, the role to be played by the Sub-Commission in this field should not duplicate the action and terms of reference of those bodies,

1. *Expresses its deep appreciation* to the Working Group on Contemporary Forms of Slavery, to its Chairperson-Rapporteur, Ms. Halima Embarek Warzazi, and to its other members for the work relating to the rights of children and youth carried out at its twenty-second session;

2. *Expresses its deep conviction* that the Sub-Commission can best play a constructive role in the promotion, full realization and protection of the rights of children and youth by drawing upon the expertise of the various United Nations organs, bodies and legal instruments, as well as of the intergovernmental and non-governmental organizations directly or indirectly involved in this sphere, in order to contribute, by means of specific recommendations addressed to them, to improving coordination and cooperation among those entities so as to facilitate concrete action aimed at the realization of all rights of all children and youth;

3. *Decides* to continue to review at its fiftieth session, as a separate item of its agenda and with due priority, the situation regarding the promotion, full realization and protection of the rights of children and youth, and to provide for sufficient time for its consideration.

36th meeting
28 August 1997
[Adopted without a vote. See chap. XIII.]

1997/33. Injurious effects of anti-personnel landmines

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account that anti-personnel landmines are a major instrument of grave violations of human rights, in particular the right to life,

Recalling its resolutions 1995/24 of 24 August 1995 and 1996/15 of 23 August 1996, in which it declared itself in favour of a total ban on the production, marketing and use of anti-personnel landmines,

Stressing the urgency for the Sub-Commission to follow up this issue in order to guarantee the full respect and the implementation of all relevant conventions, protocols and resolutions,

Welcoming the initiative of the Organization of American States, which in June 1996 called for the establishment of an anti-personnel mine-free zone in the Americas,

Taking note with satisfaction that the Council of Ministers of the Organization of African Unity, in February 1996, urged subregional organizations on the continent to undertake the initiatives for the prohibition of anti-personnel landmines in support of the commitment of the Organization of African Unity to a total ban on landmines,

Taking note with satisfaction also of the appeal launched by the European Parliament on 13 May 1996 to all member States to ban unilaterally the production of anti-personnel landmines and to destroy existing stocks,

Welcoming the decision of the international conference held in Ottawa from 3 to 5 October 1996, which brought together more than 40 States, to support a global ban on anti-personnel landmines and to consider short- and medium-term measures to achieve this end,

Welcoming also the decision to move towards a ban on landmines, taken at the international conference held in Brussels from 24 to 27 June 1997, at which participants signed a declaration and began negotiations on a treaty,

Welcoming further the convening of the international conferences to be held in Oslo from 1 to 19 September 1997 to finalize negotiations and in Ottawa from 2 to 4 December 1997, at which the treaty will be signed,

Regretting the inadequate result of the Review Conference of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, held in Geneva in May 1996, as regards the distinction made between "intelligent" and "dumb" mines and the nine-year period given to States to stop using undectable anti-personnel mines,

Gravely concerned at the constant violation of the rights to life and to security of person, particularly of vulnerable groups of civilians such as peasants, indigenous peoples and children, caused by the use of anti-personnel landmines, Bearing in mind that landmines cause death, maiming and psychological damage and have economic and environmental effects,

Expressing the hope that United Nations action in favour of mine clearance will in the near future result in the total and final elimination of the scourge of unexploded landmines,

Regretting that funds are lacking to improve mine-clearance techniques and step up rehabilitation programmes for the victims of anti-personnel landmines,

1. Reaffirms its support for a total ban on the production, stockpiling, transfer and use of anti-personnel landmines, as a means to protect the right to life;

2. Urges States that have not yet done so to sign and ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects and all the Protocols thereto, including Protocol II on Prohibitions and Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996;

3. Urges all States to modify, where necessary, their legislation in order to prohibit the production, stockpiling, transfer and use of anti-personnel landmines in and from their territories, and to work towards an international ban on landmines;

4. Considers the date for the next Review Conference, scheduled for 2001, to be too far away in view of the existing situation with respect to this matter, which requires an urgent solution;

5. Strongly urges Governments to participate actively in the Diplomatic Conference to Negotiate a Total Prohibition of Anti-Personnel Mines, to be held in Oslo from 1 to 19 September 1997, and to commit themselves to signing an international treaty banning anti-personnel mines at the Ottawa conference to be held from 2 to 4 December 1997;

6. Urges Member States to promote the establishment of regional and subregional zones free of anti-personnel mines;

7. Reiterates its request to Governments and the international community to pursue a policy of information, prevention, rehabilitation and reintegration for the victims of anti-personnel landmines, particularly children, and to take the economic and social measures considered necessary for that purpose;

8. Again encourages Governments, organizations and individuals that can do so to respond favourably to the request for voluntary contributions to the United Nations mine-clearance programme, if possible on a regular basis;

9. Requests the Secretary-General to transmit to all Governments, in particular those of States which in the past have laid anti-personnel landmines in the territory of other States, the Sub-Commission's appeal for voluntary contributions to the mine-clearance programme and to the Voluntary Trust Fund for Assistance in Mine Clearance established in November 1994;

10. Decides to consider this question at its fiftieth session under the same agenda item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

36th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/34. Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto,

Recalling that according to common article 1 of the Geneva Conventions the High Contracting Parties undertake not only to respect but also to ensure respect of the obligations under the Conventions,

Convinced that States parties to the Geneva Conventions and the international human rights conventions are in no way relieved of their humanitarian and human rights obligations when they put military contingents at the disposal of the United Nations,

Gravely concerned at incidents in the past in which such military contingents remained inactive while witnessing grave violations of provisions of humanitarian law, including acts of genocide,

Concerned also by continued allegations of violations of human rights by United Nations contingents engaged in peacekeeping operations,

1. Emphasizes that the conduct of military contingents put at the disposal of the United Nations should always be in conformity with the norms of international humanitarian law and international human rights law;

2. Recommends that the rules of engagement applicable to United Nations peacekeeping operations should contain explicit references to these obligations;

3. Requests the Secretary-General to disseminate the Guidelines for United Nations Forces Regarding Respect for International Humanitarian Law of 1996 drafted by the United Nations in consultation with the International Committee of the Red Cross.

36th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/35. Adverse consequences of economic sanctions on the enjoyment of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto,

Concerned about the adverse consequences of economic sanctions, such as embargoes and blockades, on human rights,

Recognizing that such coercive measures should be adopted by or under the authority of the Security Council only in accordance with Article 24 and Chapter VII of the Charter of the United Nations,

Convinced that such measures should always be limited in time,

Aware, moreover, that such measures most seriously affect the innocent population, in particular the weak and the poor, especially women and children,

Concerned that such measures have a tendency to aggravate the imbalances in income distribution already present in the countries concerned,

Noting that in many cases they may give rise to smuggling and trafficking which greatly benefit mala fide businesspeople often close to the oppressive government authorities which are insensitive to the suffering of their people,

1. Appeals to all States concerned to reconsider their adoption of or support for such measures, even if the legitimate goals pursued are not yet attained, if after a reasonable period they appear not to be bringing about the desired changes in policy, regardless of the nature of that policy;

2. Decides to consider the adverse consequences of economic sanctions on human rights at its fiftieth session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/36. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988 reaffirming that all people have an inherent right to life,

Recalling also its resolution 1992/39 of 28 August 1992 on arms production and trade and human rights violations,

Recalling further its resolution 1996/16 of 29 August 1996, in which it requested the Secretary-General to submit a report on information gathered on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium and their consequential and cumulative effects and the danger they represent to life, physical security and other human rights,

Concerned at the use of weapons of mass or indiscriminate destruction or of a nature to cause superfluous injury or unnecessary suffering, both against members of the armed forces and against civilian populations, resulting in death, pain, misery and disability,

Concerned also at repeated reports of the long-term consequences of the use of such weapons upon human life and health,

Concerned further that the physical effects on the environment of testing, storage or disposal of or debris from such weapons, either alone or in combination, and abandoned contaminated equipment constitute a serious danger to life and health,

Convinced that the use of or threat of use of weapons of mass or indiscriminate destruction and, in certain circumstances, the production and sale of such weapons are incompatible with international human rights and/or humanitarian law,

Convinced also that the production, sale, use or threat of use of chemical and biological weapons are incompatible with international law, as well as the promotion and maintenance of international peace and security,

Convinced further that the use on civilian populations of napalm and fuel-air bombs violates the Protocol on Prohibition or Restrictions on the Use of Incendiary Weapons (Protocol III) to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons,

Believing that the production, sale, use or threat of use of nuclear weapons has serious consequences for the promotion and maintenance of international peace and security, Believing further that continued efforts must be undertaken to sensitize public opinion to the inhuman and indiscriminate effects of all such weapons and to the need for their complete elimination,

Having considered the report of the Secretary-General (E/CN.4/Sub.2/1997/27) and the many serious questions raised therein,

1. Urges all States to be guided in their national policies by the need to curb the testing, the production and the spread of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering;

2. Decides to authorize Ms. Clemencia Forero Ucros to prepare, without financial implications, a working paper, in the context of human rights and humanitarian norms, assessing the utility, scope and structure of a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/37. Illicit transfer of arms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Conventions on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Bearing in mind the "Guidelines for international arms transfer in the context of General Assembly resolution 46/36 H of 6 December 1991" adopted in 1996 by the United Nations Disarmament Commission,

Deeply concerned at the recurrence of armed conflicts exacerbated by the illicit transfer of arms, their incidence on the enjoyment of human rights and on the application of international humanitarian law, as well as by their adverse consequences for international and regional peace and security,

1. Urges States to foster international cooperation, to exchange information, to promote technical assistance and to promulgate administrative and legal measures aimed at the prevention and control of the illicit transfer of arms;

2. Decides to authorize the inclusion of this question in the preliminary document concerning a study in the context of human rights and humanitarian norms, on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, to be submitted to the Sub-Commission at its fiftieth session.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/38. Promotion of dialogue on human rights issues

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the United Nations, particularly Article 1, paragraph 3, of the Charter, which stipulates that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Underlining the principle, as elaborated in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights in June 1993, that enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations,

Recognizing the importance attached by the regional meetings, held prior to the World Conference on Human Rights in Tunis from 2 to 6 November 1992, in San José from 18 to 22 January 1993 and in Bangkok from 29 March to 2 April 1993, of conducting dialogues and consultations with a view to promoting universal respect for, and observance of, human rights and fundamental freedoms,

Acknowledging with great interest the strong views pronounced by members of the Sub-Commission concerning the urgent need to increase dialogue in the interest of the promotion of human rights in all countries,

Deeply concerned at the possibility of human rights issues being used for political purposes,

Welcoming the favourable conditions for international cooperation to promote human rights provided by the ending of the cold war,

Noting with appreciation the statement made on 18 April 1997 by the Chairman of the fifty-third session of the Commission on Human Rights, in which he recognized the importance of cooperation and consultation, as well as consensus-building, with a view to enhancing the effectiveness of the Sub-Commission in promoting and protecting human rights,

1. Endorses the cooperative approach adopted by the members of the Sub-Commission, conducive to the accomplishment of its mandate;

2. Encourages further and timely dialogue, public or closed, among the expert members of the Sub-Commission, to facilitate the formulation and adoption of resolutions and decisions;

3. Invites members of the Sub-Commission and governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights, so as to enhance understanding and to search

for effective and commonly agreed solutions to the promotion and protection of human rights in all countries, taking into account the important role of the Sub-Commission as a "think-tank" in this regard;

4. Decides to continue its consideration of the promotion of dialogue and cooperation in the field of human rights, under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been or may be concerned".

37th meeting
28 August 1997
[Adopted by 20 votes to 1. See chap. XIV.]

1997/39. Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 50/186 of 22 December 1995, Commission on Human Rights resolutions 1994/46 of 4 March 1994, 1995/43 of 3 March 1995, 1996/47 of 19 April 1996 and 1997/42 of 11 April 1997, and its own resolutions 1994/18 of 25 August 1994 and especially 1996/20 of 29 August 1996,

Reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups,

Reiterating also that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Welcoming the working paper submitted by Ms. Kalliopi K. Koufa in accordance with Sub-Commission resolution 1996/20 (E/CN.4/Sub.2/1997/28),

1. Reiterates its unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the annihilation of human rights, fundamental freedoms and democracy, threatening territorial integrity and international peace and security, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon Governments to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism;

3. Urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

4. Expresses its deep appreciation to Ms. Kalliopi K. Koufa for her analytical, very comprehensive and well-documented working paper;

5. Recommends that the Commission on Human Rights authorize the appointment of Ms. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper;

6. Requests the Special Rapporteur to submit a preliminary report at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of her study;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study;

9. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/40. The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the increasing challenges presented by the HIV/AIDS epidemic require intensified efforts to ensure universal respect for and observance of fundamental human rights and freedoms, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Emphasizing the responsibility of Governments to ensure the full realization of all human rights and freedoms by people affected by HIV/AIDS and to strengthen national and international mechanisms concerned with HIV/AIDS-related human rights and ethics,

Noting the holding of the Second International Consultation on HIV/AIDS and Human Rights in September 1996 and in particular the adoption of guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS (E/CN.4/1997/37),

Noting also Commission on Human Rights resolution 1997/33 of 11 April 1997,

Recalling its own resolution 1996/33 of 29 August 1996,

1. Welcomes the guidelines and the recommendations for their implementation adopted by the Second International Consultation on HIV/AIDS and Human Rights in September 1996;

2. Calls upon special rapporteurs, representatives and working groups, as well as other United Nations human rights bodies, to continue to address all HIV-related issues arising under their mandates, with particular attention to women, children and vulnerable groups, and to incorporate the guidelines into their activities;

3. Requests the United Nations High Commissioner for Human Rights, through the Commission on Human Rights, to continue to incorporate HIV/AIDS-related issues, as appropriate, in all the Centre's activities, including participating, without financial implications, in a seminar on exploring ways to assess implementation of the guidelines;

4. Urges the Commission on Human Rights to request the Secretary-General to transmit the guidelines to heads of State and to the heads of all relevant United Nations bodies and agencies for action;

5. Urges States to ensure wide dissemination of the guidelines and to establish mechanisms, as appropriate, for their implementation at the national and regional levels, and to assist the Secretary-General in his preparation of a progress report to be submitted to the Commission on Human Rights at its fifty-fifth session in accordance with Commission resolution 1997/33;

6. Urges non-governmental organizations to implement the guidelines by integrating the question of HIV/AIDS and human rights within their activities;

7. Requests UNAIDS and its co-sponsors to continue the integration of a strong human rights component into all its activities, to circulate the guidelines widely throughout the United Nations system, and to organize a seminar on exploring ways to assess implementation of the guidelines;

8. Strongly urges the Commission on Human Rights to keep under review the issue of HIV/AIDS-related human rights violations and discrimination;

9. Decides to keep the issue of HIV/AIDS-related human rights violations and discrimination under review and to give consideration to this issue under relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/41. Review of further developments in fields with which the Sub-Commission has been or may be concerned

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that since the adoption of its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission has considered ways of encouraging Governments to ratify or adhere to human rights instruments,

Recalling also its resolution 1994/31 of 26 August 1994, in which the Sub-Commission, acknowledging that no substantive progress had been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments and noting that Governments declined formally to respond to the Sub-Commission's invitation to clarify why they were unable to ratify them, decided to discontinue consideration of the matter under a separate agenda item but also decided to continue its consideration of these issues when they arose,

Recalling further the letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (see E/CN.4/Sub.2/1997/31), which includes a request for a study to be undertaken on reservations to treaties,

Recalling general comment No. 24 adopted by the Human Rights Committee in 1994 (CCPR/C/21/Rev.1/Add.6), in which the Committee explained its jurisdiction on assessing the compatibility of reservations with respect to the International Covenant on Civil and Political Rights,

Recalling also the concern expressed by the Sub-Commission and the Committee on the Elimination of Discrimination against Women about reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing that the activities of the various bodies of the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

1. Considers that the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties, including human rights treaties, may be inconsistent with general comment No. 24 of the Human Rights Committee and actions by other human rights treaty bodies;

2. _Requests_ the Secretary-General to bring the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties, including human rights treaties, to the attention of the six human rights treaty bodies, and to ask them to transmit their views on the preliminary conclusions to the International Law Commission and the Sub-Commission.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/42. _Human rights and scientific and technological developments_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized in the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific and technological progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the field of science and technology,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence or impairment of their physical, mental and psychological integrity,

Aware of the rapid development of the life sciences and technology and the dangers that certain practices may pose to the integrity and dignity of the individual, *Seeking* to ensure that scientific and technological progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection Commission on Human Rights resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997,

Referring to its decisions 1994/108 of 19 August 1994 and 1996/110 of 23 August 1996 regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Taking note also of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

Having considered the working paper entitled "Potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual" (E/CN.4/Sub.2/1997/34) prepared by Mr. Osman El-Hajjé,

Considering the urgent need for a systematic analysis of the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual,

1. *Recommends* that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study on the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, which would, *inter alia*, provide a detailed and updated account of the situation and a catalogue of existing national laws, policies and procedures concerning the prevention of the potentially adverse consequences of scientific and technological progress and its applications for the integrity, dignity and human rights of the individual, as well as to propose solutions to problems associated with the existing shortcomings;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 10.]

37th meting
28 August 1997
[Adopted without a vote. See chap. XIV.]

1997/43. Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 51/88 of 12 December 1996 on the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recalling also the significant message of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993,

Recalling further Commission on Human Rights resolution 1997/35 of 11 April 1997 on the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the Universal Declaration of Human Rights as the source of inspiration and the basis of subsequent progress in the field of human rights and fundamental freedoms,

Expressing its serious concern that international human rights standards are not fully and universally respected, that human rights, in particular those of vulnerable groups in society, continue to be violated in many parts of the world and that millions of people still suffer misery, live in poverty and are deprived of the full enjoyment of their civil, political, economic, social and cultural rights,

Convinced of the necessity to respect human rights in all situations and to strengthen the efforts of the United Nations in this regard,

Reaffirming that human rights are of international concern and that the Universal Declaration of Human Rights constitutes an international standard of paramount importance which has been incorporated in the text of State constitutions in many countries all over the world,

Recognizing the important contribution made by non-governmental organizations and national institutions in the promotion, protection and implementation of human rights,

Noting the comprehensive report of the United Nations High Commissioner for Human Rights to the General Assembly at its fifty-first session (A/51/36), Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

1. Urges Governments to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights, to identify obstacles to progress in this area and ways in which they can be overcome, to consider ratifying the International Covenants on Human Rights, if they have not yet done so, and to take legislative and administrative measures to promote and effectively protect human rights and fundamental freedoms;

2. Invites national institutions, non-governmental organizations and scholars to intensify their efforts to inform public opinion for a greater understanding and effective implementation of the Universal Declaration of Human Rights;

3. Decides to devote a meeting during its fiftieth session to celebrating the fiftieth anniversary of the Declaration.

37th meeting
28 August 1997
[Adopted without a vote. See chap. XIV.]

B. Decisions

1997/101. Adoption of the agenda

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note of the note by the Secretary-General (E/CN.4/Sub.2/1997/1), decided, without a vote, to amend the provisional agenda for its forty-ninth session in accordance with proposals made by the members.

[See chap. III.]

1997/102. Sessional working group on the administration of justice

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1996/103 of 6 August 1996 and 1996/119 of 29 August 1996, decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 9.

[See chap. III.]

1997/103. Organization of work

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to invite the following persons to participate in its meetings:

(a) Mr. Leandro Despouy, to present his final report on the question of human rights and states of emergency (E/CN.4/Sub.2/1997/19 and Add.1) (item 9 (a));

(b) Mr. Awn Al-Khasawneh, to present his final report on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1997/23) (item 10 (b)).

[See chap. III.]

1997/104. Sessional working group on the methods of work of the Sub-Commission

At its 3rd meeting, on 5 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c).

[See chap. III.]

1997/105. Monitoring the transition to peace in Guatemala

At its 22nd meeting, on 20 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to authorize the Chairman of the Sub-Commission to issue a statement on the respect for human rights and the conclusion of the peace process in Guatemala, under agenda item 2, and to allow both the observer for the Government of Guatemala and a representative of the Unidad Revolucionaria Nacional Guatemalteca to address the Sub-Commission in that regard.

[See chap. IV.]

1997/106. Voting by secret ballot

At its 23rd meeting, on 20 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. IV.]

1997/107. Study on income distribution and human rights

At its 26th meeting, on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking note that the Sub-Commission did not have sufficient time at its forty-ninth session for a comprehensive discussion of the final report of the Special Rapporteur on income distribution and human rights, Mr. José Bengoa (E/CN.4/Sub.2/1997/9), decided:

(a) To postpone to its fiftieth session the presentation by Mr. Bengoa of his final report;

(b) To ensure that the report would be circulated as an official document of the fiftieth session of the Sub-Commission;

(c) To request Mr. Bengoa to complete his report by preparing a supplementary document on this issue;

(d) To give full consideration at its fiftieth session to the recommendation contained in the final report concerning the establishment of a social forum within the framework of the Sub-Commission.

[See chap. VI.]

1997/108. The right to food

At its 27th meeting, on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/25 of 29 August 1996 in which it expressed deep concern that more than eight hundred million people throughout the world, particularly in developing countries, did not have enough food to meet their basic nutritional needs and appealed to the World Food Summit to propose, inter alia, ways in which the right to food could be further clarified and implemented; taking into account the adoption by the World Food Summit in November 1996 of its Plan of Action, including its objective 7.4 which, inter alia, invited the United Nations High Commissioner for Human Rights, in consultation with relevant United Nations and intergovernmental mechanisms, to better define the rights related to food and to propose ways to implement and realize those rights; and noting that this request was endorsed by the Commission on Human Rights in its resolution 1997/8 of 3 April 1997, decided, without a vote, to request Mr. Asbjørn Eide to review and update, without financial implications, his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and to submit the updated study to the Sub-Commission at its fiftieth session in 1998.

[See chap. VI.]

1997/109. Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General

At its 27th meeting on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1996/22 of 29 August 1996, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", in which it requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with information thereon, and to transmit annually to the Sub-Commission the information received, and noting that the Sub-Commission had, to date, not received the information so requested, decided, without a vote, to transmit the full text of resolution 1996/22 of 29 August 1996 to the Secretary-General for action.

[See chap. VI.]

1997/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 27th meeting, on 22 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1994/116 of 26 August 1994, 1995/118 of 24 August 1995 and 1996/118 of 29 August 1996, decided, without a vote, to take note of the Special Rapporteur's explanation of the reasons for not submitting his final report at its present session, urged him to submit his final report in due time - preferably before the end of 1997 - so as to allow it to be discussed by the Working Group on Indigenous Populations at its sixteenth session and by the Sub-Commission at its fiftieth session, and to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study.

[See chap. IX.]

1997/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 33rd meeting, on 27 August 1997, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission:

Regional group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Africa	Mr. Yimer	Mr. Guissé	Mr. Mehedi	Ms. Warzazi
	Ms. Mbonu (alternate)	Ms. Attah (alternate)	Mr. Khalil (alternate)	Ms. Gwanmesia (alternate)
Asia	Mr. Fan Guoxiang	Mr. Hatano	Mr. Ali Khan	Mr. El-Hajjé
	Mr. Zhong Shukong (alternate)	Mr. Yokota (alternate)	Mr. El-Hajjé (alternate)	Mr. Ali Khan (alternate)
Latin America	Mr. Diaz Uribe	Mr. Alfonso Martinez	Mr. Bengoa	Mr. Lindgren
	Mr. Fix Zamudio (alternate)	Mr. Bengoa (alternate)	Mr. Alfonso Martínez (alternate)	Ms. Ferriol Echevarría (alternate)
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Chernichenko	Mr. Maxim
		Mr. Chernichenko (alternate)	Mr. Boutkevitch (alternate)	
Western Europe	Mr. Bossuyt	Ms. Daes	Mr. Eide	Mr. Weissbrodt
		Mr. Weissbrodt (alternate)	Ms. Koufa (alternate)	

[See chaps. VIII, IX, X, XV.]

1997/112. Criteria for new studies

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to take note of the conference room paper entitled "Criteria for new studies" (E/CN.4/Sub.2/1997/CRP.2), in which it is proposed that the following criteria should guide the Sub-Commission when choosing new subjects for study:

(a) Priority should be given to subjects for study recommended by the Commission on Human Rights;

(b) From among other proposals, priority should be given to subjects suggested by the working groups of the Sub-Commission;

(c) Special attention should be given to subjects proposed by treaty bodies, as requested in paragraph 3 (c) of Commission on Human Rights resolution 1997/22 of 11 April 1997;

(d) Economic, social and cultural rights should also be considered as a priority area in the selection of new studies;

(e) Proposals for isolated studies, i.e. not having the necessary background and framework, should be discouraged.

The Sub-Commission further decided to annex the above criteria to the guidelines concerning its methods of work contained in the annex to Sub-Commission resolution 1992/8 of 26 August 1992.

[See chap. III.]

1997/113. Methods of work of the Sub-Commission regarding agenda item 2

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1996/115 of 29 August 1996 in which it decided to take no action at its forty-ninth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission on Human Rights was considering under the public procedures for dealing with human rights violations, and recalling also Commission resolution 1997/22 of 11 April 1997, decided, without a vote, not to adopt resolutions or decisions henceforth under that agenda item in respect of human rights situations which the Commission is considering under the public procedures for dealing with human rights violations.

[See chap. III.]

1997/114. Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling Commission on Human Rights resolution 1996/25 of 19 April 1996, in which the Commission referred to the fact that both experts and alternates could undertake studies for the Sub-Commission; taking note of the letter dated 13 May 1997 from Ms. Linda Chavez, Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, in which the Special Rapporteur informed the High Commissioner and the Centre for Human Rights of her resignation as Special Rapporteur and of her inability to submit her final report, as requested by the Sub-Commission in its resolution 1996/11 of 23 August 1996; noting that Ms. Chavez had expressed the hope that her study would nonetheless be completed; and recalling its decision 1996/113 of 29 August 1996, in which it recognized the need to bring to a successful conclusion studies which had been initiated, decided, without a vote, to entrust Ms. Gay J. McDougall with the task of completing the study on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict for submission to the Sub-Commission at its fiftieth session.

[See chap. VIII.]

1997/115. Report of the sessional working group on the administration of justice

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having considered the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/1997/21), decided, without a vote, (a) to transmit to the Human Rights Committee, through the Secretary-General, a copy of the report of its sessional working group on the administration of justice which contains a recommendation that the Human Rights Committee consider preparing a new general comment on article 4 of the International Covenant on Civil and Political Rights reaffirming the developing consensus that habeas corpus and the related aspects of amparo, as well as cognate rights, should be considered to be non-derogable in all circumstances; and (b) to call upon all States to incorporate in their domestic law provisions making habeas corpus a non-derogable right in all circumstances.

[See chap. XI.]

1997/116. The administration of justice and human rights

At its 35th meeting, on 27 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request the sessional working group on the administration of justice to continue its consideration of the expanded working paper prepared by Mr. Stanislav Chernichenko on the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime (E/CN.4/Sub.2/1997/29) and for that purpose to transmit the expanded working paper, through the Secretary-General, to the International Law Commission, so that the Commission's comments might be considered at the next session of the Working Group.

[See chap. XI.]

1997/117. Rights of the child

At its 36th meeting, on 28 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to transmit to the Committee on the Rights of the Child, through the Secretary-General, a copy of the summary records of the meetings at which agenda item 10 bis, entitled "Rights of the child", was discussed, which contain a recommendation that the Committee on the Rights of the Child consider preparing general comments on articles 2, 37 and 40 of the Convention on the Rights of the Child, and expresses its readiness to extend assistance, if requested, particularly in regard to the preparation of a general comment on article 2 relating to discrimination.

[See chap. XIII.]

1997/118. The concept of affirmative action

At its 37th meeting, on 28 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the concept of affirmative action (see E/CN.4/Sub.2/1997/31, annex), decided, without a vote, to entrust Mr. Marc Bossuyt with the preparation, without financial implications, of a working paper on the concept of affirmative action for submission under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination" in order to enable it to take a decision at its fiftieth session on the feasibility of such a study.

[See chap. XIV.]

1997/119. Humanitarian situation in Iraq

At its 37th meeting, on 28 August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1996/107 of 20 August 1996, affirming once again the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto and recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, noted with concern the delay in the supply of food and medicines to Iraq reported by several United Nations bodies and that this failure to implement the agreement between Iraq and the United Nations under the terms of Security Council resolution 986 (1995) of 14 April 1995 was, moreover, recently confirmed by the United Nations Under-Secretary-General for Humanitarian Affairs, who has undertaken to continue his efforts to improve humanitarian supplies. Bearing in mind the right of every person to sufficient food and to basic health care, the Sub-Commission considered that the embargo still in force was seriously jeopardizing the health and nutritional state of the civilian population of Iraq, especially children, women and the most underprivileged sectors of the population. Considering that measures such as embargoes should be limited in time and should be lifted, even though the legitimate objectives of the measures have not yet been attained, the Sub-Commission decided, without a vote, to appeal once again to the international community and to all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the supply of food and medicines to meet the needs of the civilian population.

[See chap. XIV.]

III. ORGANIZATION OF WORK:

(a) ELECTION OF OFFICERS;

(b) ADOPTION OF THE AGENDA;

(c) METHODS OF WORK OF THE SUB-COMMISSION

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-ninth session at the United Nations Office at Geneva from 4 to 29 August 1997. It held 38 meetings (E/CN.4/Sub.2/1997/SR.1-38) during the session.

2. The session was opened by Mr. Asbjørn Eide, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session, who made a statement. The Officer-in-Charge, High Commissioner/Centre for Human Rights, Mr. Ralph Zacklin, also addressed the Sub-Commission at its 1st meeting, on 4 August 1997.

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and a national liberation movement and by representatives of United Nations bodies, specialized agencies, and intergovernmental, non-governmental and other organizations. The attendance list is given in annex II to the present report.

4. The Sub-Commission adopted resolutions 1 to 43 and took 19 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

5. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-ninth session is provided in annex III.

6. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

7. A list of studies completed at the forty-ninth session and of ongoing studies, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

8. A list of documents for the forty-ninth session of the Sub-Commission appears in annex VI. Written communications submitted by Governments and non-governmental organizations for circulation at the session are also mentioned in annex VI.

9. At the 1st meeting, on 4 August 1997, in accordance with decision 1994/103 of the Sub-Commission and the proposal of the Chairman, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world.

10. At the 2nd meeting, on 4 August 1997, upon the recommendation of its officers, the Sub-Commission decided to establish a sessional working group on

the administration of justice under agenda item 9. For the text of the decision, see chapter II, section B, decision 1997/102.

11. At the same meeting, upon the recommendation of its officers, the Sub-Commission decided to invite two special rapporteurs to participate in the meetings at which their reports were to be considered. For the text of the decision, see chapter II, section B, decision 1997/103.

12. At its 3rd meeting, the Sub-Commission decided to establish a sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c). For the text of the decision, see chapter II, section B, decision 1997/104.

A. Election of officers

13. At its 1st meeting, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. José Bengoa
Vice-Chairpersons:	Mr. Ioan Maxim Mr. Sang Yong Park Ms. Halima Embarek Warzazi
Rapporteur:	Mr. Marc Bossuyt

B. Adoption of the agenda

14. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the forty-ninth session (E/CN.4/Sub.2/1997/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-eighth session in accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII). The provisional agenda read as follows:

Provisional agenda

1. Organization of work:
    (a) Election of officers;
    (b) Adoption of the agenda;
    (c) Methods of work of the Sub-Commission.
2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

    (a) Situation of migrant workers and members of their families;

    (b) Xenophobia.

4. The realization of economic, social and cultural rights:

    (a) The international economic order and the promotion of human rights;

    (b) The realization of the right to development;

    (c) The question of transnational corporations.

5. The implementation of the human rights of women:

    (a) Traditional practices affecting the health of women and children;

    (b) The role and equal protection of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples.

8. Protection of minorities.

9. The administration of justice and the human rights of detainees:

    (a) Question of human rights and states of emergency;

    (b) Application of international standards concerning the human rights of detained juveniles.

10. Freedom of movement:

    (a) Population displacements;

    (b) The right to leave and seek asylum and the right to return.

11. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

    (a) Review of developments related to recommendations made in earlier studies:

        (i) Promotion, protection and restoration of human rights at national, regional and international levels;

        (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

    (iii) Encouragement of universal acceptance of human rights instruments;

  (b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

    (i) Terrorism and human rights;

    (ii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

  (c) Other new developments.

12. Communications concerning human rights; report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

13. Concluding items:

  (a) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fiftieth session of the Sub-Commission;

  (b) Adoption of the report on the forty-ninth session.

15. At its 1st and 2nd meetings, statements with regard to the provisional agenda were made by Mr. Alfonso Martínez (1st, 2nd), Mr. Ali Khan (2nd), Mr. Bossuyt (2nd), Mr. Chernichenko (2nd), Ms. Daes (1st), Mr. Eide (2nd), Mr. El-Hajjé (2nd), Ms. Forero Ucros (2nd), Mr. Guissé (2nd), Ms. Gwanmesia (2nd), Mr. Hatano (1st), Mr. Joinet (1st, 2nd), Mr. Mehedi (2nd), Ms. Palley (1st, 2nd), Mr. Park (1st), Ms. Warzazi (2nd), Mr. Weissbrodt (2nd).

16. At its 3rd meeting, on 5 August 1997, the Sub-Commission had before it an informal document containing revisions to the provisional agenda proposed by the Bureau. Statements with regard to the proposed revisions were made by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi and Mr. Weissbrodt.

17. At the same meeting, the Sub-Commission decided to amend the provisional agenda in accordance with the proposals made by members. For the text of the decision, see chapter I, section B, decision 1997/101.

18. For the text of the agenda as adopted, see annex I to the present report.

C. Methods of work of the Sub-Commission

19. The Sub-Commission considered sub-item 1 (c) of the agenda at its 3rd, 6th, 15th, 27th and 35th meetings on 5, 7, 14, 22 and 27 August 1997.

20. At its 35th meeting, on 27 August 1997, at the proposal of Mr. Alfonso Martínez, the Sub-Commission decided to take note of conference room paper E/CN.4/Sub.2/1997/CRP.2 on criteria for new studies, and to annex the criteria to the guidelines concerning its methods of work (resolution 1992/8, annex). For the text of the decision, see chapter II, section B, decision 1997/112.

Methods of work of the Sub-Commission regarding agenda item 2

21. At its 35th meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.43, sponsored by Mr. Bossuyt, Mr. Chernichenko and Mr. Lindgren Alves. Mr. Joinet subsequently joined the sponsors.

22. Mr. Joinet orally amended the draft decision by replacing the word "action", with the words "resolutions or decisions".

23. Mr. Lindgren Alves revised the draft decision by replacing the words "to take no" with the words "not to adopt".

24. Statements in connection with the draft decision, the amendment or the revision were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. Khalil, Mr. Joinet and Mr. Yimer.

25. The draft decision, as revised and amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/113.

Methods of work of the Sub-Commission

26. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.45, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

27. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/16.

Organization of the sessions of the Sub-Commission

28. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.55, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim and Mr. Mehedi. Mr. Ali Khan subsequently joined the sponsors and Mr. El-Hajjé withdrew his sponsorship.

29. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Mr. Weissbrodt and Mr. Yimer.

30. On the proposal of Mr. Weissbrodt, a roll-call vote was taken. The draft resolution was adopted, by roll-call vote, by 12 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Khalifa, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Ms. Warzazi.

Against: Mr. Fan Guoxiang, Mr. Hatano, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Mr. Weissbrodt.

Abstaining: Ms. Attah, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Yimer.

31. For the text of the resolution, see chapter II, section A, resolution 1997/17.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

32. The Sub-Commission considered item 2 at its 3rd to 9th, 22nd to 24th and 33rd meetings, on 5 to 8, 11, 20, 21 and 27 August 1997.

33. For the list of documents issued under item 2, see annex VI.

34. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (8th), Mr. Bossuyt (7th), Ms. Daes (4th), Mr. Eide (5th), Mr. El-Hajjé (8th), Mr. Fan Guoxiang (3rd, 5th), Ms. Forero Ucros (7th), Mr. Guissé (4th), Ms. Gwanmesia (8th), Mr. Joinet (8th), Mr. Khalifa (4th), Ms. Palley (7th), Mr. Park (8th), Mr. Weissbrodt (7th).

35. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (6th), Afro-Asian Peoples' Solidarity Organization (4th), American Association of Jurists (4th), Association for the Prevention of Torture (5th), Association for World Education (3rd), Centre Europe-Tiers Monde (5th), FoodFirst Information and Action Network (4th), France-Libertés: Fondation Danielle Mitterand (4th), Franciscans International (6th), Habitat International Coalition (4th), International Association for Religious Freedom (4th), International Association of Democratic Lawyers (4th), International Association of Educators for World Peace (4th), International Commission of Jurists (4th), International Educational Development, Inc. (6th), International Falcon Movement-Socialist Educational International (6th), International Federation of Action of Christians for the Abolition of Torture (5th), International Federation of Human Rights Leagues (4th), International Institute for Peace (9th), International Islamic Federation of Student Organizations (5th), International League for the Rights and Liberation of Peoples (5th), International PEN (5th), International Prison Watch (6th), International Progress Organization (5th), International Work Group for Indigenous Affairs (6th), Inter-Parliamentary Union (5th), Liberation (5th), Minority Rights Group (5th), Movement against Racism and for Friendship among Peoples (5th), North South XXI (5th), Pax Christi International (5th), Pax Romana (5th), Society for Threatened Peoples (3rd), Survival International Limited (5th), Women's International Democratic Federation (4th), World Federation of Democratic Youth (6th), World Muslim Congress (5th), World Society of Victimology (5th), Worldview International Foundation (5th).

36. The Sub-Commission heard statements by the observers for: Armenia (8th), Azerbaijan (8th), Bangladesh (9th), China (7th), Colombia (8th), Egypt (7th), Indonesia (8th), Iraq (8th), Jordan (8th), Pakistan (8th), Sri Lanka (8th), Syrian Arab Republic (7th), Tunisia (7th), Turkey (8th). The Sub-Commission also heard a statement by the observer for Palestine (7th).

37. Statements equivalent to a right of reply were made by the observers for: Algeria (9th), Angola (9th), Armenia (9th), Azerbaijan (9th), Bahrain (9th), China (9th), Mexico (9th), Saudi Arabia (9th), Turkey (9th), United Republic of Tanzania (9th).

Voting on proposals under agenda item 2

38. At the 23rd meeting, on 20 August 1997, Mr. Eide proposed, in writing, that a decision be taken by the Sub-Commission to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, under any agenda item, including proposals of a procedural nature relating to proposals of a substantive nature.

39. Statements in this connection were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Joinet and Ms. Warzazi.

40. The text of the draft decision as proposed by Mr. Eide, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/106.

Monitoring the transition to peace in Guatemala

41. At its 22nd meeting, on 20 August 1997, the Chairman, on behalf of the Sub-Commission, made the following statement on respect for human rights and the conclusion of the peace process in Guatemala:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities has authorized me to issue, in connection with agenda item 2, the statement by the Chairman on the situation of human rights in Guatemala and the conclusion of the peace negotiations.
>
> "To the great satisfaction and delight of the people of Guatemala and of the international community, the signing in Guatemala City on 29 December 1996 of the Final Agreement on a Firm and Lasting Peace put an end to 36 years of armed conflict and to a process of negotiations that started in April 1991. Recognition must go to the efforts carried out by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), as well as to the contribution made by the United Nations Moderator, the Group of Friendly Countries and the Civil-Society Assembly.
>
> "We also welcome the signing of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements and it is our hope that compliance with the Agreement will lay the foundations for a solution to the country's social and economic problems, along with security and the administration of justice, providing continuity and strengthening the peace-building process in Guatemala.
>
> "Equally welcome is the report to the Secretary-General of the United Nations by MINUGUA (A/51/936 of 30 June 1997), which contains the results of the verification of compliance with the Peace Agreements in

the first phase of the Implementation Timetable and highlights the efforts made by the Government of Guatemala, URNG and other sectors in ensuring effective compliance.

"The United Nations Mission in Guatemala (MINUGUA) deserves special recognition and support for the work of verifying compliance with the agreements signed between the Government of Guatemala and the URNG and for its many activities in strengthening institutions.

"I should also like to point out that, on 20 August 1996, after learning of the agreement reached by the representatives of the Government of Guatemala and the URNG, at the last session the members of the Sub-Commission adopted decision 1996/106 on monitoring the transition to peace in Guatemala, from which I would like to emphasize the following points:

"(i) The Sub-Commission authorized the Chairman to issue a statement in connection with agenda item 6 on the situation of human rights and the progress of the peace process in Guatemala;

"(ii) The Sub-Commission urged the Government of Guatemala to intensify its efforts to combat and to prevent violations of fundamental human rights, particularly those affecting the right to life and to the integrity and security of the person; to continue to combat impunity and to prevent the proclamation of amnesties or of any other mechanism that grants impunity to violators of human rights;

"(iii) The Sub-Commission also encouraged the Government of Guatemala and URNG to plan and implement, in the relevant negotiations, arrangements for a ceasefire, the demobilization of military personnel and their return, together with former combatants, to civilian life, guaranteeing their full enjoyment of civil and political rights;

"(iv) Lastly, the Sub-Commission decided to continue to follow the development of events in Guatemala and to observe the building of a firm and lasting peace.

"It is gratifying that the recommendations contained in the decision and in the statement were heeded, both by the Government and by URNG. What is more, with the signing of the Agreement on a Firm and Lasting Peace, in addition to the Comprehensive Agreement on Human Rights signed and operative since March 1994, the following agreements entered into force:

The Agreement on Resettlement of Population Groups Uprooted by the Armed Conflict;

The Agreement on the Establishment of a Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused Suffering to the Guatemalan Population;

The Agreement on the Identity and Rights of the Indigenous Peoples;

The Agreement on Social and Economic Aspects and the Agrarian Situation;

The Agreement on the Strengthening of Civilian Power and on the Role of the Army in a Democratic Society;

The Agreement on the Definitive Ceasefire;

The Agreement on Constitutional Reforms and the Electoral Regime;

The Agreement on Bases for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca;

The Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements.

"At the conclusion of the consideration of the human rights situation in Guatemala by this Sub-Commission, mention should be made of the progress achieved during the period of the implementation of the Agreements. The report to the Secretary-General by MINUGUA is gratifying, for it contains the results of the verification of compliance with the Peace Agreements of the first phase, completed on 15 April this year, which highlights the efforts made by the Government of Guatemala, the URNG and other sectors for effective compliance.

"In April this year, the Commission on Human Rights considered the situation of human rights in Guatemala and, in particular, the historic events that have taken place there. In resolution 1997/51 of 15 April 1997, the Commission agreed to follow the situation and requested the Secretary-General to 'send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala, in the light of the implementation of the peace agreements, taking into account the verification work done by MINUGUA and the information submitted by the Government of Guatemala, the Follow-up Commission on Compliance with the peace agreements, the political organizations and the non-governmental human rights organizations, as well as on the implementation on the agreement on the provision of advisory services in the field of human rights, signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission'.

"In this respect, we welcome the Guatemalan Government's decision to make all facilities available to the mission that the Secretary-General will appoint to fulfil its mandate properly. Both sides stated that the mission could include members of our Sub-Commission who are available to form part of the mission at the end of 1997.

"The Sub-Commission recognizes the efforts of the Government of Guatemala and urges it to continue with its policy of implementing measures for the protection and promotion of both individual and collective human rights and fundamental freedoms; to continue to take practical measures against poverty and to eradicate extreme poverty in order to raise the living standards of the population; and to redouble the efforts already instituted to overcome the marginalization and discrimination to which the indigenous peoples of Guatemala have been, and continue to be subjected.

"However, we express our concern that, despite those efforts, problems and obstacles to the full observance of human rights in Guatemala still exist, as noted in the reports of MINUGUA and other national and international human rights bodies. The enjoyment of human rights by the Guatemalan population at large is still insecure and government efforts to combat crime and impunity, while far-reaching and intensive, have been only partially successful. The continued general level of criminal violence is still the source of acute public insecurity and lack of confidence in the rule of law.

"The human rights situation will continue to call for major and sustained efforts if there is to be any significant improvement. However, the Sub-Commission is gratified that, with the signing of the peace and the conclusion of the relevant agreements, both sides have undertaken to make Guatemala a country in which the observance, protection and promotion of human rights and fundamental freedoms are fully realized. Accordingly, both sides propose, with the support of the national and international human rights community, to achieve significant results before the fifty-fourth session of the Commission on Human Rights.

"In this connection, the Government has stated that, in August 1997, an expanded permanent forum was set up for the exchange of views with governmental and non-governmental human rights organizations and the joint study of measures that could be taken to protect and promote human rights. As one of these measures, the Centre for Human Rights is also requested to implement the agreement on the provision of human rights advisory services concluded between the High Commissioner for Human Rights and the Government of Guatemala.

"The Sub-Commission has also learned of the creation of a commission to clarify objectively, equitably and impartially human rights violations and acts of violence linked with the armed confrontation which have caused suffering to the Guatemalan people. We welcome that momentous step in the implementation of the peace agreements and offer our full cooperation to the commission in discharging its mandate, including information gathered by members of the Sub-Commission and advisory services in the field of human rights, when necessary. Accordingly, the Sub-Commission requests its experts to include consideration of Guatemala in any specific reports which they may submit on various topics, as an example of a country in transition to full observance of human rights. It also requests the Government of Guatemala, URNG and all interested parties in Guatemala to provide the commission with full cooperation and information. In particular, it urges Guatemalan society and international agencies to provide all available information, including that of a confidential nature.

"Finally, the Sub-Commission, which is profoundly interested in the establishment of peace and full observance of human rights in Guatemala, a country which has been a major item on its agenda in recent years, would be grateful if bodies following up the process of implementing the peace accords would provide the Sub-Commission with their reports, for its information.

"The members of the Sub-Commission and I, as Chairman, congratulate the Government of Guatemala, URNG and all the Guatemalan people on the highly positive steps they have taken and are continuing to take. We fully appreciate the international community's support for the peace process and ask it to continue and increase its support for Guatemala, so as to ensure the full and timely implementation of the agreements signed. We are confident that the international community and national bodies will provide the financial resources essential for the implementation of all the agreements, beginning with the initial agreement signed in Mexico City in April 1991.

"In this connection, it is of special and fundamental importance that the Government of Guatemala and civil society, with the support of the international community, should continue the current efforts to bring about the full integration of members of URNG into civilian life in conditions of dignity and safety.

"The same conditions should also be established to enable all ex-combatants and demobilized members of the Guatemalan armed forces to become integrated into civilian life in programmes which contribute to national development.

"We wish Guatemala full enjoyment of human rights, the expansion and strengthening of democratic institutions, the full development of all its people and the building and consolidation of peace."

42. In this connection, statements were made by the observer for Guatemala and a representative of the Unidad Revolucionaria Nacional Guatemalteca (URNG).

Situation of human rights in Turkey

43. At its 23rd meeting, on 20 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.2, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Joinet, Ms. Palley and Mr. Weissbrodt, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Reaffirming that all Member States have an obligation to promote and protect human rights as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights and other applicable human rights instruments, "_Mindful_ that Turkey is a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the European Convention on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the four Geneva Conventions of 1949,

"_Recalling_ that the Committee against Torture stated in 1993, after making its first on-site visit to any country, that torture was 'systematic' in Turkey (A/48/44/Add.1),

"_Recalling also_ the concerns expressed in recent years by the Special Rapporteur on the question of torture; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Enforced or Involuntary Disappearances; and the Working Group on Arbitrary Detention of the Commission on Human Rights,

"_Recalling further_ the concern expressed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, following his visit to Turkey from 20 to 25 September 1996, at consistent and credible reports about the harassment, persecution and sometimes death or torture of press professionals, writers, journalists, human rights advocates and witnesses to alleged human rights violations, and the use of disproportionate violence against journalists and protesters during demonstrations (E/CN.4/1997/31/Add.1),

"_Aware_ that the European Committee for the Prevention of Torture described the incidence of torture and other ill-treatment in Turkey as "widespread" (1992) and a "common occurrence in police establishments in Turkey" (1996) and that the European Court of Human Rights found violations involving forced eviction and destruction of villages in south-east Turkey (_Akdivar and others v. Turkey_ (1996)),

"1. _Welcomes_:

"(a) The amendments to the Turkish Constitution and to articles 8 and 13 of the Anti-Terror Law of 1991 which the Government of Turkey adopted in 1995, seeking to make those provisions compatible with its international human rights obligations, as well as the adoption in 1997 of new provisions by which the Government of Turkey sought to reduce periods of pre-trial detention, ensure the right of the detainee to legal assistance during pre-trial questioning, limit the competence of the State Security Courts and establish the Human Rights Coordinating Committee;

"(b) The invitation by the Government of Turkey to the Working Group on Enforced or Involuntary Disappearances to visit Turkey by the end of 1997 and to the Special Rapporteur on the question of torture to visit the country by the end of 1998, and its full cooperation with the Special Rapporteur on freedom of opinion and expression during his visit to the country from 20 to 25 September 1996;

"2. Expresses its concern:

"(a) At reports of continuing violations of human rights and international humanitarian law, in particular systematic torture and ill-treatment in several parts of Turkey, extrajudicial executions, forced evictions, the destruction of villages, and arbitrary arrests and imprisonment of individuals exercising their right to freedom of expression;

"(b) That, although much of the legal and regulatory framework necessary to combat torture is in place in Turkey, those measures have been ignored in practice, grave violations continue and the responsible persons apparently enjoy impunity;

"(c) That the 1995 amendments to the Constitution and the Anti-Terror Law have not brought about fundamental change: non-violent statements, for example, about finding a just resolution of the Kurdish problem, other "separatist" statements, and even political cartoons critical of the Government remain criminal offences under the Penal Code or Anti-Terror Law and some individuals, including a parliamentarian, are still sentenced to prison terms for exercising their freedom of expression;

"3. Condemns human rights abuses and violations of humanitarian law by the Kurdish Worker's Party (PKK), including assassination of individuals in several countries, forced recruitment of children to participate in fighting, threats and extortion, destruction of villages and abduction and killing of civilians, including women, children and, in particular, members of the extended families of village guards and teachers; but believes such abuses by armed opposition groups and terrorist acts should not provide the occasion or excuse for violations of non-derogable human rights and international humanitarian law;

"4. Calls upon the Government of Turkey:

"(a) To abide by its freely undertaken obligations under international human rights treaties and humanitarian law which, under the terms of article 90 of the Turkish Constitution, form an integral part of Turkish domestic law, in particular by respecting the right of all persons not to be subjected to extrajudicial execution, torture and ill-treatment, involuntary disappearance, arbitrary arrest and imprisonment, forced eviction, the destruction of villages or infringements of freedom of expression;

"(b) To ensure thorough and impartial investigations into all allegations of human rights violations and to bring the perpetrators to justice;

"(c) To ensure that human rights and health organizations, including doctors and lawyers working on human rights cases, are free and able to perform their professional functions without intimidation, hindrance, harassment, or improper interference;

"(d) To provide access for and to cooperate with a recognized humanitarian body in protecting the rights of detainees throughout the country and contributing to the protection of the civilian population in the south-east of the country;

"(e) To accede to the International Covenant on Civil and Political Rights, its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and the two Additional Protocols of 1977 to the Geneva Conventions of 1949, and to recognize the application of common article 3 of the Geneva Conventions to the armed conflict which is occurring in south-eastern Turkey, bearing in mind that article 3 states that the application of the preceding provisions shall not affect the legal status of the Parties to the conflict;

"(f) To invite the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as the Working Group on Arbitrary Detention, to visit the country in due course and to permit independent investigation of reports that the PKK has committed violations of humanitarian law and abuses of human rights;

"5. Decides:

"(a) To recommend that the Commission on Human Rights consider the situation of human rights in Turkey at its next session; and

"(b) If the Commission is unable to take action on the situation of human rights in Turkey, to continue consideration of the matter at its fiftieth session under the same agenda item."

44. Mr. Weissbrodt orally revised the draft resolution by adding a new operative paragraph 1 (c) to read as follows: "The amnesty declared, in August 1997, for journalists in prison".

45. Statements in connection with the draft resolution were made by Mr. Eide, Mr. Joinet and Ms. Warzazi.

46. The observer for Turkey made a statement.

47. On the proposal of Ms. Attah, a vote was taken by secret ballot. The resolution, as revised, was rejected by 14 votes to 8, with 3 abstentions.

Situation of human rights in Algeria

48. At its 23rd meeting, on 20 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.3, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Joinet, Ms. Palley and Mr. Weissbrodt, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights to which Algeria is a party, "Noting, in the light of resolution 1997/22 of 11 April 1997 of the Commission on Human Rights, that Algeria is not included in the list of countries under consideration by the Commission under public procedures (E/CN.4/Sub.2/1997/33, annex),

"Deeply concerned by the numerous reports from a large number of reliable sources attesting that, regardless of human dignity, armed groups of religious extremists, who act in flagrant violation of the principles of tolerance of Islam, are terrorising civilian populations in order to force them to support their cause, by resorting, inter alia, to summary executions, the cruelty of which adds futile suffering to the fate of innocent victims of decapitation or throat cutting, including old people, women and children,

"Recalling its resolution 1996/20 of 29 August 1996 in which the Sub-Commission reaffirmed its 'unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed',

"Recalling also that, in its resolution 40/61 of 9 December 1985, the General Assembly stated that it was mindful of the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant human rights instruments and generally accepted international standards,

"Increasingly concerned, in this connection, at reports indicating that, going beyond the requirements of the fight against terrorism, violations of human rights are being committed more and more frequently by certain sectors of the security forces,

"Noting that the civilian population, under constant pressure and in the grip of terror, is forced in anguish to choose its side, is taken hostage and, as a consequence, is exposed, whatever action it takes, to the risk of reprisals by the different actors in the conflict,

"1. Condemns with the utmost severity the odious crimes committed in a paroxysm of barbarity by terrorist groups who call themselves 'Islamists' and requests that international cooperation against their accomplices abroad be intensified;

"2. Urgently calls on the Algerian Government to take action in conformity with the International Covenant on Civil and Political Rights and, in particular, to prohibit blind anti-terrorist practices which can only be the source of grave violations of human rights;

"3. Calls with insistence on the international community to break the wall of silence surrounding the tragedy being experienced by the Algerian people and to express its solidarity with them;

"4. Consequently recommends to the Commission on Human Rights that it consider at its fifty-fourth session the question of the situation of human rights in Algeria, taking into account the exceptional seriousness of that situation;

> "5. Decides, should the Commission on Human Rights not take this action, to consider this question further at its fiftieth session under the same agenda item."

49. Mr. Lindgren Alves orally amended the draft resolution as follows:

(a) Replace the title by: "Violations of human rights in Algeria caused by extremist religious armed groups";

(b) Delete, in the last preambular paragraph, the words "is taken hostage and";

(c) Insert, in operative paragraph 2, after the words "Urgently calls on the Algerian Government", the words "in the fight against terrorism";

(d) Delete from operative paragraph 2 the words "and, in particular, to prohibit blind anti-terrorist practices which can only be the source of grave violations of human rights";

(e) Delete operative paragraph 5.

50. Mr. Bossuyt orally revised the amended title as follows: "Violations of human rights in Algeria originating in terrorist acts".

51. Statements were made in connection with the draft resolution by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Joinet, Mr. Guissé, Mr. Lindgren Alves, Mr. Mehedi, Ms. Palley and Mr. Yimer.

52. The observer for Algeria made a statement.

53. At the request of Ms. Attah, a vote was taken by secret ballot. The resolution, as amended, was rejected by 15 votes to 9, with 1 abstention.

Situation of human rights in the Congo

54. At its 23rd meeting, on 20 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.5, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Joinet, Ms. Palley and Mr. Weissbrodt.

55. Mr. Eide orally revised the draft resolution by replacing, in the last preambular paragraph, the words "National Mediation Committee for resolution of the conflict" by the words "International Committee of Mediation for the negotiated resolution of the conflict, presided over by the President of Gabon, H.E. Mr. Omar Bongo".

56. Statements in connection with the draft resolution and the revision were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Ms. Palley and Mr. Yimer.

57. At the request of Mr. Guissé, a vote was taken by secret ballot. The draft resolution, as revised, was adopted by 13 votes to 10, with 2 abstentions. For the text of the resolution see chapter II, section A, resolution 1997/1.

Situation of human rights in Bahrain

58. At its 23rd meeting, on 20 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.8, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Mr. Weissbrodt.

59. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Fan Guoxiang, Mr. Eide, Mr. El-Hajjé, Ms. Gwanmesia, Ms. Palley, Mr. Joinet and Ms. Warzazi.

60. The observer for Bahrain made a statement.

61. At its 24th meeting, on 21 August, the Sub-Commission continued its consideration of draft resolution E/CN.4/Sub.2/1997/L.8.

62. On the proposal of the Chairman, a vote by secret ballot was taken. The draft resolution was adopted by 12 votes to 11, with 1 abstention. For the text of the resolution, see chapter II, section A, resolution 1997/2.

Situation of human rights in the Democratic People's Republic of Korea

63. At its 24th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.13, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet and Mr. Weissbrodt.

64. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Mr. Joinet and Mr. Park.

65. The observer for the Democratic People's Republic of Korea made a statement.

66. On the proposal of the Chairman, a vote by secret ballot was taken. The draft resolution was adopted by 13 votes to 9, with 3 abstentions. For the text of the resolution, see chapter II, section A, resolution 1997/3.

Situation in the Palestinian and other Arab territories occupied by Israel

67. At its 24th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.16, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. El-Hajjé, Mr. Khalil and Mr. Mehedi, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> "Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the principles of equal rights and self-determination of all peoples,

"Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Lands, annexed to the Hague Convention IV of 1907,

"Affirming the distinction between terrorism and the legitimate right of peoples to resist foreign occupation,

"Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, on the Palestinian and other Arab territories occupied by Israel since 1967,

"Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territory and to civilian persons in other occupied Arab territories,

"Deeply concerned also at the decisions of the Israeli High Court of Justice of 11 January 1996 and 17 November 1996, legalizing the torture of Palestinians,

"Deeply alarmed at the recent and most serious violations of human rights in the Palestinian and other occupied territories, and in particular the continued building of Israeli settlements in the occupied Palestinian territories, including Jerusalem, and the occupied Syrian Golan, and the continued detention of over four thousand Palestinians in Israeli prisons without trial,

"Deeply concerned at the serious obstacles that such violations create for the peace process in the Middle East, as well as at Israel's reneging of the basis and principles of the Madrid Peace Conference,

"Deeply concerned also at the most recent Israeli measures against the Palestinian people in the territories of the Palestinian authority and others, which constitute violations of human rights and of the agreements signed by the Government of Israel and the Palestine Liberation Organization,

"1. Reaffirms that the recent human rights violations, in particular the persistence of Israel in maintaining and expanding its settlements and establishing new ones, are contrary to and endanger the peace process;

"2. Condemns terrorism in all its forms and manifestations, including State terrorism;

"3. Calls upon the Government of Israel to stop immediately all the measures taken against the Palestinian people and the Palestinian Authority;

"4. Also calls upon the Government of Israel, in the light of the most dangerous situation now existing in the Middle East resulting from Israel's refusal to comply with Security Council resolution 497 (1981) and all resolutions of the General Assembly and the Commission on Human Rights relative to the occupied Syrian Golan, to desist from changing the physical character, demographic composition, institutional structure and the legal status of the occupied Syrian Golan, which constitute gross violations of the human rights and fundamental freedoms of the citizens of the Syrian Arab Republic in the occupied Syrian Golan;

"5. Affirms that the realization of a comprehensive and just peace in the Middle East requires the complete withdrawal of Israel from all occupied Palestinian territory, including Jerusalem, enabling the Palestinian people to exercise their rights to self-determination and to establish their independent State, the complete withdrawal of Israel from the occupied Syrian Golan and the complete and unconditional withdrawal of Israel from the south of Lebanon and West Bekaa, in conformity with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and in accordance with the principle of land for peace;

"6. Requests the Secretary-General to provide the Sub-Commission, at its fiftieth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations resolutions and decisions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution."

68. A statement in connection with the draft resolution was made by Mr. Lindgren Alves, recalling decision 1996/115, in which the Sub-Commission decided to take no action at its forty-ninth session in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations.

69. Statements in connection with how to proceed with the draft resolution in the light of decision 1996/115 were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. El-Hajjé, Mr. Joinet, Mr. Lindgren Alves, and Mr. Yimer.

70. At the request of Ms. Warzazi, a vote, by secret ballot, was taken to close the debate on procedure. The motion was adopted by 17 votes to 7, with 1 abstention.

71. Mr. Bossuyt subsequently proposed the following motion for adoption: "The Sub-Commission decides, taking into account its decision 1996/115, adopted at its forty-eighth session, to take no action on draft resolution L.16".

72. Statements in this connection were made by Mr. Alfonso-Martínez, Mr. Chernichenko, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Mr. Lindgren Alves, Ms. Palley and Mr. Yimer.

73. At the request of Mr. Alfonso Martínez, a vote on the motion was taken by secret ballot. The motion was adopted by 18 votes to 5, with 2 abstentions.

Situation of human rights in India

74. At its 24th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.21, sponsored by Ms. Palley, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recognizing the enormous responsibility of the United Kingdom of Great Britain and Northern Ireland for having left in the Indian sub-continent traditions of:

"(i) Imperialism towards peoples and their territories;

"(ii) Harsh military suppression of dissent combined with sweeping special emergency powers;

"(iii) Reactionary penal laws;

"(iv) Double standards of enunciating human rights and the rule of law which were formally rather than practically applied in her colonial possessions and protectorates;

"(v) Unwillingness and a degree of inability to undertake real reform in the Indian sub-continent of social, cultural, economic or other institutions; and

"(vi) Unrestrained capitalist and caste exploitation of labour and natural and other resources,

"Recognizing also that India, after 50 years of independence, has maintained much from these traditions and has done little to correct the economic, social and cultural ills and human rights violations taking place throughout the State,

"Recognizing, however that the Constitution of India contains a detailed Bill of Rights and Directive Principles of State Policy protective of human rights; that a National Commission on Minorities and a National Commission on Human Rights, together with some state human rights commissions, exist; and that there is extensive constitutional and legislative protection for Scheduled Castes and Scheduled Tribes,

"1. Observes, in this fiftieth anniversary year of the independence of India, the world's second most populous State and its largest democracy, that:

"(i) The Human Rights Committee, after consideration of the third periodic report of India, in its concluding observations (CCPR/C/79/Add.81, para. 23) expressed its concern at allegations that the police and other security forces do not always respect the rule of law and that in particular court orders for habeas corpus are not always complied with, particularly in disturbed areas;

"(ii) The Human Rights Committee also expressed concern about the incidence of custodial deaths, rape and torture (ibid., para. 23);

"(iii) The Special Rapporteur of the Commission on Human Rights on the question of torture had received information indicating that torture was practised routinely by the army, the Border Security Force and the Central Reserve Police Forces against the vast majority of persons arrested for political reasons in Jammu and Kashmir (E/CN.4/1996/35, 9 January 1996, para. 70);

"(iv) The Special Rapporteur on the question of torture continued to receive information in 1996 indicating that the security forces in Jammu and Kashmir had tortured detainees systematically and that the torture was said to be facilitated by the practice of holding detainees in temporary detention centres without access to courts, relations or medical care, while some reported torture included severe beatings, electric shocks, crushing the leg muscles with a wooden roller, burning with heated objects and rape (E/CN.4/1997/7, 10 January 1997, para. 87);

"(v) The Special Rapporteur on the question of torture reported claims that detainees were rarely produced before a magistrate, despite a law requiring this to be done within 24 hours, and that since 1990 over 15,000 habeas corpus petitions had been filed but that in the vast majority of cases the authorities had not responded to the petitions (ibid., para. 88);

"(vi) The Special Rapporteur on the question of torture remained concerned at the persistence of allegations of torture, followed often by death in custody (ibid., para. 90);

"(vii) The Special Rapporteur on the question of torture reported claims that on no occasion had information been made public regarding instances of action taken against security force personnel in Jammu and Kashmir for acts of torture (ibid., para. 88);

"(viii) The Working Group on Enforced or Involuntary Disappearances was notified by the Government of India that allegations of violations of human rights by the security forces in Jammu and Kashmir were immediately investigated, and that so far some 272 personnel had been punished (E/CN.4/1997/34, 13 December 1996, para. 183);

"(ix) The total number of personnel punished has scarcely increased over the total given two years earlier to the Sub-Commission and this despite the presence of several hundred thousand active army personnel in Jammu and Kashmir;

"(x) The Working Group on Enforced or Involuntary Disappearances also noted that the Supreme Court in Punjab had received a writ petition alleging the secret cremation by the Punjab police of hundreds of bodies, leading to investigation by the Central Bureau of Investigation (ibid., para. 184);

"(xi) There is reliable information that 2,500 bodies, mainly of young men, were secretly cremated and that the lawyer who initiated the petition was arrested and has disappeared;

"(xii) The Special Rapporteur on extrajudicial, summary or arbitrary executions has received numerous reports of violations of the right to life in India and allegations concerning deaths inflicted in custody resulting from torture and ill-treatment inflicted by police personnel during the preliminary stages of detention when access to outsiders is routinely denied, and that the alleged perpetrators in the police and armed forces enjoy virtual impunity, such violations in large number being claimed to be committed in Jammu and Kashmir, Punjab and Uttar Pradesh (E/CN.4/1996/4, para. 231);

"(xiii) The Special Rapporteur on extrajudicial, summary or arbitrary executions remained deeply concerned at the reported failure of the Government to prosecute members of security forces involved in human rights violations (ibid., para. 238);

"(xiv) The Special Rapporteur on extrajudicial, summary or arbitrary executions has made repeated efforts since 1993 to be invited to visit India (E/CN.4/1996/4, 25 January 1996, para. 241 and E/CN.4/1997/60, 24 December 1996, para. 22) but no invitation has materialized;

"(xv) The Special Rapporteur on the question of torture has likewise made repeated requests to visit India (E/CN.4/1996/35, 9 January 1996, para. 77 and E/CN.4/1997/7, 10 January 1997, para. 90) and regrets the reluctance of the Government of India to invite him to the country, as does the Human Rights Committee (CCPR/C/79/Add.81, para. 23);

"(xvi) The National Commission on Human Rights, while doing excellent investigating and recommendatory work within the scope of its mandate under the Protection of Human Rights Act, is prevented by Clause 19 from investigating directly complaints of human rights violations against the armed forces, having to request a report from the Government, while complaints to the Commission are subject to a one-year time-limit, thus preventing the investigation of many alleged past human rights violations (ibid., para. 22 and CERD/C/304/Add.13, 17 September 1996, para. 16);

"(xvii) Although the Terrorist and Disruptive Activities (Prevention) Act (TADA) has lapsed, about 1,600 persons detained thereunder are still in detention under its provisions (CCPR/C/79/Add.81, para. 25), while the National Security Act and, in some areas of India, the Public Safety Act remain in force, a fact regretted by the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13, para. 21), while the Armed Forces (Special Powers) Act has been applied to areas declared as disturbed for many years, as for example throughout Manipur since 1980 and in other areas of the State much longer, this meaning that the Government of India has in effect been using emergency powers without resorting to article 4.3 of the International Covenant on Civil and Political Rights (CCPR/C/79/Add.81, para. 19);

"(xviii) The Human Rights Committee has reported that the use of special powers of detention remains widespread and has expressed concern at legislative proposals to reintroduce parts of TADA, leading to further violations of the International Covenant on Civil and Political Rights, which is now not complied with in respect of the duty promptly to inform the person concerned of the reasons for his or her arrest and in respect of the need for due proceedings to decide to continue detention (ibid., paras. 24 and 25);

"(xix) The Human Rights Committee has recommended that continued detention be determined by an impartial tribunal and that at very least there be a central register of detainees and that the International Committee of the Red Cross be admitted to all types of facilities, particularly in areas of conflict (ibid., para. 24);

"(xx) Even civil proceedings (as well as criminal proceedings) may not be commenced against members of the security and armed forces acting under Special Powers without the permission of the central Government, and the Human Rights Committee has expressed its concern over this matter, noting that it contributes to a climate of impunity (ibid., para. 21);

"(xxi) The Committee on the Elimination of Racial Discrimination has expressed great concern that the Government of India claims that the situation of the Scheduled Castes and Scheduled Tribes does not fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/304/Add.13, 17 September 1996, paras. 2 and 14);

"(xxii) The Committee on the Elimination of Racial Discrimination has also expressed serious concern that Kashmiris, as well as other groups, are frequently treated, on account of their ethnic or national origin, in ways contrary to the basic provisions of the Convention (ibid., para. 15);

"(xxiii) The Committee on the Elimination of Racial Discrimination has pointed out that, although constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the Scheduled Castes and Scheduled Tribes, and although social and educational policies have been adopted to improve their situation and to protect them from abuses, widespread discrimination and the relative impunity of those who abuse them, such measures have limited effect, and the Committee is particularly concerned at reports that people belonging to the Scheduled Castes and Scheduled Tribes are often prevented from using public wells or from entering cafes or restaurants and that their children are sometimes separated from other children in schools in violation of article 5 (f) of the Convention (CERD/C/304/Add.13, para. 23);

"(xxiv) The Human Rights Committee has also expressed its concern that, despite measures taken by the Government, members of Scheduled Castes and Scheduled Tribes, as well as the so-called backward classes and ethnic national minorities, continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant including inter-caste violence, bonded labour and discrimination of all kinds (CCPR/C/79/Add.81, para. 15);

"(xxv) The Human Rights Committee has further expressed grave concern that legislative measures to outlaw child marriages, dowry-related violence, suttee, foeticide and infanticide of females are not sufficient and that measures designed to change the attitude allowing such practices are necessary in order to protect women from all discriminatory practices including violence (ibid., para. 16);

"(xxvi) The Human Rights Committee likewise expressed concern that women in India have not been accorded equality in the enjoyment of their rights and freedoms in conformity with articles 2 and 26 of the Covenant (ibid., para. 17);

"(xxvii) The Human Rights Committee also expressed concern at the extent of bonded labour, as well as the fact that the incidence of this practice reported to the Supreme Court of India is far higher than was mentioned by the Government of India in its third periodic report to the

Committee, and noted its concern that eradicative measures taken do not appear to be effective in achieving real progress in the release or rehabilitation of bonded labourers (ibid., para. 29);

"(xxviii) The Human Rights Committee deplored the high incidence of child prostitution or trafficking of women and girls into forced prostitution, regretting the lack of effective measures to prevent such practices and to protect victims, as well as deploring the lack of effective measures to stop the practice of Devadasi (dedication of small girls as temple prostitutes);

"(xxix) The Human Rights Committee further expressed concern that there had been little progress in implementing the Child Labour (Prohibition) Act 1986 and recommended that urgent steps be taken to remove all children from hazardous occupations, together with immediate steps to implement the recommendations of the National Human Rights Commission to respect the constitutional requirement that it is a fundamental right for all children under 14 to have free and compulsory education;

"2. Warmly welcomes the renewed talks between India and Pakistan under the Simla Agreements, believing that only peaceful negotiations, involving also full participation by the people of Jammu and Kashmir, can end the gross and systematic violations of human rights which have occurred and are still occurring, and also terrorism;

"3. Urges the Government of India:

"(i) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"(ii) To ratify the Optional Protocol to the International Covenant on Civil and Political Rights and to reconsider its extensive reservations to the Covenant referred to by the Human Rights Committee (CCPR/C/79/Add.81, para. 14);

"(iii) To invite the Special Rapporteur on the question of torture to visit India within the current year;

"(iv) To invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit India within the current year or soon thereafter;

"(v) To give expedited consideration to the report of the Human Rights Committee and all its many recommendations;

"(vi) To give similar consideration to the concluding observations of the Committee on the Elimination of Racial Discrimination made as long ago as 17 September 1996;

"(vii) In particular, to consider strengthening the powers of the National Human Rights Commission to investigate and initiate legal proceedings in respect of any violations of human rights by whomsoever they may be committed;

"(viii) To end the virtual impunity of the vast numbers of police and armed and paramilitary forces employed by the State to counter terrorism and crime;

"4. Calls upon the Government of India:

"(i) To ensure that its police and security forces do not use excessive or arbitrary force to counteract terrorist actions;

"(ii) To act in accordance with the restrictions on the use of force and firearms set out in applicable international instruments;

"(iii) To take legislative and administrative steps necessary to ensure that all cases of alleged deaths in custody, or in the course of 'encounters', and all allegations of torture, inhuman treatment and rape are promptly investigated and that criminal prosecutions in accordance with due process of law and international standards are brought against any alleged perpetrators;

"(iv) To ensure that its army, other security forces and police are warned: that rape is an offence destructive of life, especially in locations and cultures where women and girl victims are forever stigmatized and irremediably damaged psychologically; that exemplary criminal punishment will be imposed on any assailant; and that officers whose men are repeatedly alleged to have been involved in such conduct will face severe disciplinary sanctions for failing to maintain honour and order among Indian forces;

"(v) To abolish the use of and any forms of restraint which are inhuman or degrading or capable of inflicting torture on the person of the detainee or prisoner;

"5. Decides to recommend that the Commission on Human Rights consider the situation in India at its next session."

75. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer.

76. Following a vote by secret ballot, no action was taken on the draft resolution (see paragraph 79 below).

Situation of human rights in Pakistan

77. At its 24th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.22, sponsored by Ms. Palley, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recognizing the enormous responsibility of the United Kingdom of Great Britain and Northern Ireland for having left in the Indian subcontinent traditions of:

"(i) Imperialism toward peoples and their territories;

"(ii) Harsh military suppression of dissent combined with sweeping special emergency powers;

"(iii) Reactionary penal laws;

"(iv) Double standards of enunciating human rights and the rule of law, which were formally rather than practically applied in her colonial possessions and protectorates;

"(v) Unwillingness and a degree of inability to undertake real reform in the Indian sub-continent of social, cultural, economic or other institutions or of traditional practices and customs depriving women and girls of their rights; and

"(vi) Unrestrained capitalist and feudalist exploitation of labour and natural and other resources,

"Recognizing also that Pakistan, after 50 years of independence, has maintained much from these traditions and has done little to correct the economic, social and cultural ills and human rights violations taking place throughout that State,

"1. Observes, in this fiftieth anniversary year of the independence of Pakistan, the world's fifth most populous State:

"(i) That the Commission on Human Rights, in its resolution 1997/38 urged all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority; recalled that freedom from torture is a non-derogable right; called upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; and stressed that those who encourage, order, tolerate or perpetrate such acts must be severely punished;

"(ii) That the Special Rapporteur on the question of torture in his annual reports over a number of years has reported to the Commission on Human Rights on allegations indicating that torture of persons in the custody of the police and the paramilitary and the armed forces is endemic, widespread and systematic in Pakistan, and that the majority of women held in police custody are subjected to some form of sexual abuse, including rape;

"(iii) That the Special Rapporteur on the question of torture visited Pakistan in February and March 1996 and reported that torture, including rape, and similar cruel, inhuman or degrading treatment are rife in Pakistan (E/CN.4/1997/7/Add.2, para. 96) and that this state of affairs is perpetuated by the virtual impunity from criminal sanction of the perpetrators of these grave crimes (paras. 84-98);

"(iv) That the Special Rapporteur on the question of torture discovered that, contrary to assurances given him by the Government of Pakistan, bar fetters were in use in prisons (E/CN.4/1997/7/Add.2, paras. 50-62);

"(v) That the Abolition of the Punishment of Whipping Act 1996, precluding courts (not prisons) from awarding a sentence of whipping 'except in cases where the punishment of whipping is provided as Hadd', permits continuation of the prescribed punishment of 100 lashes in the case of illicit sexual relations, and death by stoning, in the case of adultery;

"(vi) That the Special Rapporteur on the question of torture reported that detainees were kept in unauthorized detention centres by the Federal Intelligence Agency and by the army;

"(vii) That the Working Group on Enforced or Involuntary Disappearances expressed concern in its report at the failure in Pakistan to hold detainees only in officially recognized places of detention (E/CN.4/1997/34);

"(viii) That the Commission on Human Rights, in its resolution 1997/61 demanded that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to eliminate the phenomenon, and reiterated the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions and to identify and bring to justice those responsible;

"(ix) That the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern that there had been deaths in custody in Pakistan following detention in life-threatening conditions and that such deaths suggested a pattern of violence against detainees (E/CN.4/1997/60);

"(x) That the Human Rights Committee of Pakistan documented 200 deaths in Karachi alone during 1995 as a result of torture in custody;

"(xi) That the Special Rapporteur on the question of torture, in discussing the situation in Karachi, reported the widespread killings which allegedly occurred in police custody or in staged 'encounters' in which the police or Rangers (the paramilitary force which replaced the army in 1995), shoot and kill suspects, noting that, although the forces of law and order are under attack and about 300 have been killed since 1992, no police are killed in such 'encounters';

"(xii) That the Working Group on Arbitrary Detention decided that 6 persons who were Ahmadis were arbitrarily detained for exercising their freedom of conscience and that 125 other persons were similarly detained, accused of blasphemy under section 295C of the Pakistan Penal Code (an offence carrying a mandatory death penalty) as a result of Ordinance XX (upheld by the Pakistan Supreme Court) which prohibits Ahmadis from practising or calling their faith Islam (E/CN.4/1997/4/Add.1 of 29 October 1996, Decision 10/1996);

"(xiii) That, following his visit to Pakistan, the Special Rapporteur on religious intolerance commented on the desirability of repealing capital punishment as the penalty for apostasy (E/CN.4/1996/95/Add.1);

"(xiv) That the Commission on Human Rights, in paragraph 3a of its resolution 1997/18, recalling General Assembly resolution 26/55 of 25 November 1981, urged States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of religion and belief to all without discrimination;

"(xv) That the Commission on Human Rights, in its resolution 1997/16, reaffirmed the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

"(xvi) That the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/304/Add.25, 23 April 1997) expressed concern that the policy of Pakistan to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the International Convention on the Elimination of All Forms of Racial Discrimination that would derive from official recognition of such groups as minorities, and that discrimination based on race, colour, language, or national or ethnic origin is not prohibited by the Constitution of Pakistan;

"(xvii) That in the Vienna Declaration and Programme of Action, adopted in June 1993, the World Conference on Human Rights stated that the human rights of women are inalienable, integral and an indivisible part of human rights and that the eradication of discrimination on grounds of sex is a priority objective;

"(xviii) That the Vienna Declaration and Programme of Action affirmed that gender-based violence is incompatible with the dignity and worth of the human person and must be eliminated and that in resolution 1997/44 the Commission on Human Rights called on States to enact and to enforce legislation or amend penal codes where necessary to ensure effective protection against rape, sexual harassment and all other forms of sexual violence against women;

(xix) That in its resolution 1997/43 the Commission on Human Rights urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women and to ensure that no reservations are incompatible with the object and purpose of the Convention, but that Pakistan has entered a reservation that its accession is 'subject to the provisions of the Constitution', and that that Constitution implicitly enshrines certain serious discriminatory practices against women;

"(xx) That the Commission on Human Rights, in its resolution 1997/20, expressed its grave concern at manifestations of contemporary forms of slavery, inter alia those reported to the Working Group, and, in resolution 1997/78, called upon States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour and, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery and in addition to make primary education free and compulsory;

"(xxi) That, in its resolution 1997/42, the Commission on Human Rights called upon States to take all necessary and effective measures in strict conformity with international law, including human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

"(xxii) That it is reliably reported that the Government of Pakistan has recently failed to prevent 1,500 schoolchildren from joining the Taliban forces in Afghanistan, that Government closing its eyes to the activities of religious organizations because it has itself been backing Taliban and other forces waging a holy war in other areas;

"(xxiii) That in his report, the Special Rapporteur on extrajudicial, summary or arbitrary executions noted the deaths of children in armed combat or internal strife (E/CN.4/1997/60, para. 56);

"2. Welcomes:

"(i) The reaffirmation by the President and the new Government of Pakistan of the independence of the judiciary, in the light of interferences with the judiciary by the Government in office until November 1996;

"(ii) The creation by the previous Government, in October 1995, of the Ministry of Human Rights and the actualization of the Government's invitation to the Special Rapporteur on the question of torture to visit Pakistan in February and March 1996, although regretting that some of those who had discussions with him were questioned by security forces about those discussions;

"(iii) The directions of the Government, headed by Mr. Nawaz Sharif, to the Ministry of Human Rights to take concrete steps to implement his party's human rights policy;

"(iv) The Pakistan Law Commission's unanimous recommendation to the current Government that it abandon its intention to establish special courts or tribunals outside the judicial hierarchy in order to have expeditious trials of certain criminal offences, and that the Government deferred proceeding with a bill to amend the Constitution for the purpose of creating such courts;

"(v) The Pakistan Law Commission's decision to review in the future certain laws, and, following consideration of these laws, to make recommendations to the federal Government, inter alia in respect of prison reforms, the blasphemy law, laws relating to children, including child labour, and the Hudood Ordinances;

"(vi) The fact that a number of senior police officers are facing charges of abuse of authority and involvement in the criminal violence in Karachi and some other areas, but notes that the killing of Mr. Mir Mutaza Bhutto and Mr. Jatoi, who were unarmed, and were killed with six of their associates, occurred in a police ambush which a judicial committee of inquiry ascribed to 'criminal negligence' rather than to murder on instructions of high authorities in the State;

"(vii) The appointment of a judicial commission of inquiry into extrajudicial killings in Karachi and the other urban areas of Sindh from 19 October 1993 to 4 November 1996 (the period of Mrs. Bhutto's Administration);

"(viii) The announced intention of the Government to eliminate bonded labour (this having been effectively abolished according to a series of earlier communications made to the Working Group on Contemporary Forms of Slavery) and the intention of the Government to achieve universal primary education within five years;

"3. Warmly welcomes the renewed talks between Pakistan and India under the Simla Agreements, believing that only peaceful negotiations, involving also full participation by the people of Jammu and Kashmir, can end the gross and systematic violations of human rights which have occurred and are still occurring, and also terrorism;

"4. Urges the Government of Pakistan:

"(i) To prosecute, in accordance with due process of law and international standards, all those who have perpetrated human rights violations;

"(ii) To extend the terms of reference of the Judicial Commission of Inquiry to cover extrajudicial killings from 19 June 1992 in Karachi and other urban areas of Sindh (this being the time when the army launched 'Operation Clean-Up' and when such killings began to occur on a large scale) up to the time of the appointment of the Commission of Inquiry on 23 June 1997, there being well attested reports that such killings continued after the 3 February 1997 election, including systematic killings in May and June 1997;

"(iii) To ratify the International Covenant on Civil and Political Rights and its Optional Protocol;

"(iv) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

"(v) To ensure the passage of legislation abolishing the use of fetters and any forms of restraint which are inhuman or degrading or capable of inflicting torture on the person of the detainee or prisoner;

"(vi) To repeal the Hudood Ordinances insofar as they require the imposition of whipping and other inhuman or degrading treatment by way of punishment, and in the interim to take administrative measures to ensure the impossibility of inflicting such a punishment;

"(vii) To take measures promptly to ensure equality before the law for women and an end to discrimination against them in judicial proceedings and in all other respects, in particular by amending the Islamic Zina Ordinance of 1979, which makes it difficult for a woman to meet the evidentiary requirements to establish her case;

"(viii) To cooperate fully in the follow-up of the Special Rapporteur on religious intolerance in relation to his recommendations made after his visit to Pakistan in 1995;

"(ix) To consider amending the Penal Code and Ordinance XX in such a manner that members of the Ahmadi community may fully exercise their right to practise their religion, and to remove the possibility of exploitation of the law by other citizens to intimidate members of religious minorities;

"(x) To take active measures, including amendment of legislation and administrative action, to discourage violence by religious extremists and to ensure that the police forces do not act merely as bystanders when persons and property are threatened and destroyed;

"(xi) To recognize as minorities communities or groups of persons based on race, colour, language or national or ethnic origins and to accord them, as such, the protection of the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination, especially bearing in mind that the Mojahir community of Sindh is an ethno-linguistic minority and has faced severe discriminatory action by the law enforcement authorities of Sindh, in particular the police, paramilitary Rangers and State intelligence agencies;

"(xii) To consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, particularly those concerning the minimum age for employment and especially hazardous work for children, and to eliminate child forced labour, bonded labour and other forms of slavery;

"5. Calls upon the Government of Pakistan:

"(i) To ensure that capital punishment will not be imposed for apostasy, and in particular to consider amending article 295 C of the Penal Code;

"(ii) To ensure that so long as the death penalty is the punishment, charges under section 295 C of the Penal Code are not proceeded with, in particular in respect of Christians, Ahmadis and members of any other minority religious group currently charged under the section;

"(iii) To take effective action to ensure that its territory is not used as a base and that persons under its jurisdiction, particularly children, are not recruited to engage in terrorism and violence in other States;

"6. Decides to recommend that the Commission on Human Rights consider the situation in Pakistan at its next session."

78. Statements in connection with the draft resolution were made by Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Ms. Palley, Ms. Warzazi.

79. At the request of Ms. Warzazi, a vote by secret ballot was taken on the following motion: "The Sub-Commission decides to take no action on draft resolutions L.21 and L.22." The motion was adopted by 20 votes to 3, with 2 abstentions.

Human rights of the Palestinian people

80. At its 33rd meeting, on 27 August 1997, the Chairman read out the following statement on behalf of the members of the Sub-Commission:

"The members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities have asked me to express our profound concern for the suffering of the Palestinian people - particularly the heads of households, men and women - who have been subjected to severe restrictions of movement and thus are unable to feed and care for their families in Gaza and in other territories occupied by Israel.

"The Sub-Commission condemns all acts of terrorism and violence, wherever they originate, wishes to condemn strongly the recent double suicide attack in Jerusalem, which caused the deaths of innocent people, and the blockade imposed for nearly four weeks, which penalizes innocent persons.

"The Sub-Commission, realizing the impact of the blockade on the human rights of the Palestinian people, calls upon the Government of Israel to put an end to the blockade and other measures. It also calls on all parties to make every effort so that a positive dialogue can take place once again and so that peace can be restored.

"In this regard, the Sub-Commission hopes for an early resumption of talks and the successful conclusion of a just and lasting peace in the region."

V. COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION:

(a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES;

(b) XENOPHOBIA

81. The Sub-Commission considered item 3 at its 9th, 10th and 25th meetings, on 11, 12 and 21 August 1997.

82. For the list of documents issued under this item, see annex VI to the present report.

83. In the general debate on this item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (10th), Mr. Boutkevitch (10th), Mr. Eide (10th), Mr. Guissé (10th), Mr. Khalifa (10th), Ms. McDougall (9th), Ms. Warzazi (9th).

84. The Sub-Commission also heard statements by the observers for the International Research and Training Institute for the Advancement of Women (10th) and the International Labour Organization (10th).

85. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (10th), Afro-Asian People's Solidarity Organization (9th), Association for World Education (10th), International Association of Jewish Lawyers and Jurists (10th), International Council of Jewish Women (9th), International Movement against All Forms of Discrimination and Racism (9th), International Peace Bureau (10th), International Progress Organization (9th), Liberation (9th), Movement against Racism and for Friendship Among Peoples (9th), National Bar Association (10th), Society for Threatened Peoples (9th), Survival International Limited (9th), World Federation of Democratic Youth (10th).

86. Statements were made by the observers for: Bangladesh (10th), Cuba (10th), Iran (Islamic Republic of) (10th), Mexico (10th), Turkey (10th).

Situation of migrant workers and members of their families

87. At its 25th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.17, sponsored by Ms. Gwanmesia, Mr. Khalifa, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Alfonso-Martínez, Mr El-Hajjé and Mr. Guissé subsequently joined the sponsors.

88. Statements in connection with the draft resolution were made by Mr. Fan Guoxiang and Ms. Warzazi.

89. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/4.

Racism and racial discrimination

90. At its 25th meeting, on 21 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.20, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer.

91. Statements in connection with the draft resolution were made by Mr. Alfonso-Martínez, Ms. Gwanmesia and Ms. McDougall.

92. Ms. Warzazi proposed the deletion of the words "without financial implications" in operative paragraph 10.

93. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/5.

VI. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

94. The Sub-Commission considered item 4 at its 11th to 13th, 27th and 35th meetings, on 12, 13, 22 and 27 August 1997.

95. For a list of documents issued under this item, see annex VI to the present report.

96. At the 12th meeting, on 13 August 1997, Mr. El-Hadji Guissé, Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights), introduced his final report (E/CN.4/Sub.2/1997/8).

97. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (12th), Mr. El-Hajjé (13th), Mr. Maxim (11th), Mr. Mehedi (12th), Mr. Park (12th), Mr. Zhong Shukong (11th).

98. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Bureau of Educational Sciences (13th), African Commission of Health and Human Rights Promoters (12th), Afro-Asian People's Solidarity Organization (11th), American Association of Jurists (11th), Centre Europe-Tiers Monde (13th), Franciscans International (13th), Habitat International Coalition (13th), Indigenous World Association (12th), International Association against Torture (11th), International Association of Democratic Lawyers (11th), International Educational Development, Inc. (11th), International Institute for Non-Aligned Studies (11th), International Institute for Peace (11th), International Organization for the Development of Freedom of Education (12th), International Organization for the Elimination of All Forms of Racial Discrimination (12th), International Progress Organization (13th), International Service for Human Rights (13th), Liberation (11th), Pax Romana (11th), Society for Threatened Peoples (11th), Union of Arab Jurists (11th), War Resisters International (13th), World Federation of Democratic Youth (13th), World Muslim Congress (11th).

99. Statements were also made by the observers for: Armenia (13th), Colombia (13th), Iraq (13th), Peru (13th).

100. Statements equivalent to a right of reply were made by the observers for: Armenia (13th), Azerbaijan (13th), Mauritania (13th).

101. At its 26th meeting, on 22 August, the Sub-Commission decided that, owing to insufficient time, it would defer consideration of the final report of the Special Rapporteur on income distribution and human rights,

Mr. José Bengoa (E/CN.4/Sub.2/1997/9), until its fiftieth session. For the text of the decision, see chapter II, section B, decision 1997/107.

Forced evictions

102. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.12, sponsored by Mr. Ali Khan, Ms. Attah, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Fix Zamudio, Mr. Hatano, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

103. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/6.

The realization of the right to education, including education in human rights

104. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.18, sponsored by Mr. Ali Khan, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Khalil subsequently joined the sponsors.

105. Mr. Alfonso Martínez proposed to insert, in the seventh preambular paragraph, the word "sufficiently" after the words "has not previously been dealt with".

106. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Diaz Uribe, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Mr. Weissbrodt and Mr. Yimer.

107. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/7.

The right to food

108. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.19, sponsored by Ms. Daes, Mr. Fan Guoxiang, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

109. Mr. Eide proposed to amend the draft decision by inserting, after the words "of 29 August in which it", the words "expressed its deep concern that more than eight hundred million people throughout the world, particularly in developing countries, did not have enough food to meet their basic nutritional needs, and".

110. The draft decision, as amended, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/108.

The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

111. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.24, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Ms. Gwanmesia, Mr. Park and Ms. Warzazi. Mr. Ali Khan subsequently withdrew as sponsor.

112. Mr. Yimer orally proposed to amend the draft resolution by replacing, in the seventh preambular paragraph, the words "at the international level" with the words "both at the national and the international levels". The proposal was accepted by the sponsors.

113. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Mr. Eide, Mr. Lindgren Alves, Ms. Palley, Ms. Warzazi and Mr. Yimer.

114. Ms. Warzazi revised the draft resolution by inserting, at the end of the fourth preambular paragraph, the words "and the resolutions adopted by the World Summit for Social Development" and inserting, in the sixth preambular paragraph, after the words "political power", the words "in a few countries and corporations". She also deleted operational paragraphs 4 and 5, which read as follows:

> "4. Decides to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:
>
> "(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;
>
> "(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;
>
> "(c) To make recommendations and proposals aimed at regulating the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and of the right to development;
>
> "(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session.
>
> "5. Recommends the following draft decision to the Commission on Human Rights for adoption:

'The Commission on Human Rights,

'Taking note of resolution 1997/... of ... August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

'1. Decides to endorse the decision of the Sub-Commission to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:

'(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;

'(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of civil and political rights;

'(c) To make recommendations and proposals aimed at regulating the working methods and activities of transnational corporations in order to ensure that these methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote enjoyment of economic, social and cultural rights and of the right to development;

'(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session.'"

115. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/11.

Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General

116. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.26, sponsored by Mr. Alfonso-Martínez, Mr. Ali Khan, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Gwanmesia, Mr. Khalil, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer.

117. A statement in connection with the draft decision was made by Mr. Park.

118. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/109.

Promotion of the realization of the right of access of all to drinking water supply and sanitation services

119. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.38, sponsored by Ms. Attah, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Mr. Mehedi and Ms. Warzazi.

120. Statements in connection with the draft resolution were made by Ms. Attah, Mr. Joinet, Ms. Warzazi and Mr. Yimer.

121. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/18.

Women and the right to adequate housing and to land and property

122. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.39, sponsored by Mr. Ali Khan, Ms. Attah, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Diaz Uribe, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Ms. McDougall, Ms. Palley, Ms. Warzazi and Mr. Yimer.

123. Mr. Diaz Uribe orally revised the draft resolution by inserting, in operative paragraphs 8 and 10, the words "and to land and property" after the words "the right to adequate housing" and by inserting, in operative paragraph 11, the words ", land and property" after the words "the issue of the housing".

124. Statements in connection with the draft resolution were made by Ms. Attah, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves and Ms. Warzazi.

125. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/19.

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

126. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.52, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

127. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/20.

VII. THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN:

(a) TRADITIONAL PRACTICES AFFECTING THE HEALTH OF WOMEN AND THE GIRL CHILD;

(b) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

128. The Sub-Commission considered agenda item 5 at its 13th to 15th and 27th meetings, on 13, 14 and 22 August 1997.

129. For the list of documents issued under item 5, see annex VI to the present report.

130. At the 13th meeting, on 13 August 1997, Ms. Halima Embarek Warzazi, Special Rapporteur on traditional practices affecting the health of women and children, introduced her progress report (E/CN.4/Sub.2/1997/10 and Add.1).

131. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (13th), Ms. Daes (14th), Mr. Eide (14th), Mr. Guissé (14th), Ms. Gwanmesia (14th), Mr. Joinet (14th), Ms. McDougall (14th), Ms. Palley (14th), Mr. Park (13th).

132. The Sub-Commission also heard statements by the observers for the International Research and Training Institute for the Advancement of Women (14th) and the World Health Organization (14th).

133. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Bureau of Educational Sciences (15th), Equality Now (14th), Indian Council of Education (14th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (15th), International Association of Democratic Lawyers (14th), International Commission of Jurists (14th), International Educational Development, Inc. (14th), International Institute for Peace (14th), International Islamic Federation of Student Organizations (14th), International Progress Organization (14th), Pax Romana (14th), Transnational Radical Party (14th), Women's International Democratic Federation (14th), World Federation of Methodist and Uniting Church Women (14th), World Muslim Congress (14th), World Society of Victimology (14th).

134. Statements were also made by the observers for: Afghanistan (15th), Bangladesh (15th), Costa Rica (15th), Egypt (13th), Iraq (15th).

Traditional practices affecting the health of women and the girl child

135. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.15, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Mr. Weissbrodt and Mr. Yimer. Mr. Guissé, Mr. Lindgren Alves and Mr. Park subsequently joined the sponsors.

136. The resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/8.

Implementation of the human rights of women and the girl child

137. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.28, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet, Mr. Lindgren Alves, Mr. Mehedi, Mr. Park, Ms. Warzazi, Ms. McDougall and Mr. Yimer. Ms. Gwanmesia and Ms. Palley subsequently joined the sponsors.

138. Mr. Alfonso Martínez amended the draft resolution by replacing, in operative paragraph 11, the words "in developing structural adjustment policies" by the words "at all times".

139. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/9.

140. Mr. Khalil made a statement.

VIII. CONTEMPORARY FORMS OF SLAVERY

141. The Sub-Commission considered item 6 at its 18th to 20th and 35th meetings, held on 18, 19 and 27 August 1997.

142. For the list of documents issued under item 6, see annex VI to the present report.

143. At the 18th meeting, on 18 August 1997, the Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, Ms. Halima Embarek Warzazi, introduced the report of the Working Group on its twenty-second session (E/CN.4/Sub.2/1997/13).

144. In the general debate under item 6, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (19th), Ms. Daes (20th), Mr. Fan Guoxiang (19th), Mr. Guissé (19th), Ms. McDougall (19th), Mr. Maxim (18th), Mr. Park (20th), Mr. Yimer (18th).

145. A statement was made by the observer for the International Organization for Migration (18th).

146. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (19th), Afro-Asian People's Solidarity Organization (19th), Anti-Slavery International (19th), Baha'i International Community (19th), Christian Solidarity International (18th), Indian Council of Education (19th), Indigenous World Association (19th), International Association of Democratic Lawyers (19th), International Educational Development, Inc. (19th), International Fellowship of Reconciliation (19th), International Institute for Non-Aligned Studies (19th), International Institute for Peace (19th), International Movement against All Forms of Discrimination and Racism (19th), Liberation (18th), Pax Christi International (19th), Pax Romana (19th), World Alliance of Reformed Churches (19th).

147. Statements were made by the observers for: Democratic People's Republic of Korea (20th), Indonesia (20th), Japan (19th), Mauritania (20th), Pakistan (20th), Philippines (20th), Republic of Korea (19th), Sri Lanka (20th).

148. Statements equivalent to a right of reply were made by the observers for Nigeria (20th) and the Sudan (20th).

Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict

149. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.14, sponsored by Mr. Hatano, Mr. Park and Mr. Weissbrodt. Ms. Attah, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia and Mr. Joinet subsequently joined the sponsors.

150. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Joinet and Ms. Warzazi.

151. The draft decision was adopted without a vote. For the text of the draft decision see chapter II, section B, decision 1997/114.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

152. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.36, sponsored by Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Ms. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

153. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah and Ms. Warzazi.

154. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/21.

155. A statement was made by Mr. Weissbrodt.

Report of the Working Group on Contemporary Forms of Slavery

156. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.37, sponsored by Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Ms. Warzazi and Mr. Yimer. Ms. Daes and Mr. Joinet subsequently joined the sponsors.

157. A statement in connection with the draft resolution was made by Mr. Guissé.

158. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/22.

IX. HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND

159. The Sub-Commission considered item 7 at its 7th, 16th to 18th and 27th meetings on 8, 15, 18 and 22 August 1997.

160. For the list of documents issued under item 7, see annex VI to the present report.

161. At its 7th meeting, on 8 August 1997, in commemoration of the International Day of the World's Indigenous People, a message was read on behalf of the Secretary-General. Statements were made by the Chairman of the Sub-Commission, and by Mr. Alfonso Martínez and Ms. Daes.

162. In this connection, the Sub-Commission invited the following indigenous persons to make a statement: Mr. Sebastião Manchinery, member of the Manchineri people of Brazil, and Mr. Kalimba Zephyris, a Matwa of Rwanda.

163. At its 16th meeting, on 15 August 1997, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, introduced the report of the Working Group on its fifteenth session (E/CN.4/Sub.2/1997/14). At the same meeting, Ms. Daes, the Special Rapporteur on indigenous people and their relationship to land, presented her preliminary working paper (E/CN.4/Sub.2/1997/17 and Corr.1).

164. At its 18th meeting, on 18 August 1997, Ms. Daes, the Chairperson-Rapporteur of the Technical Meeting on the Protection of the Heritage of Indigenous People, introduced the report of the meeting (E/CN.4/Sub.2/1997/15).

165. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (17th), Mr. Ali Khan (16th, 18th), Ms. Daes (18th), Mr. Eide (18th), Mr. Fan Guoxiang (16th), Mr. Guissé (16th), Mr. Maxim (16th), Ms. Mbonu (16th), Ms. Warzazi (16th), Mr. Weissbrodt (18th).

166. The Sub-Commission heard statements by representatives of the following non-governmental organizations: American Association of Jurists (16th), Franciscans International (16th), Indigenous World Association (16th), International Educational Development, Inc. (16th), International Institute for Peace (17th), International League for the Rights and Liberation of Peoples (17th), International Movement against All Forms of Discrimination and Racism (17th), International Organization for the Development of Freedom of Education (16th), International Peace Bureau (16th), Movement against Racism and for Friendship among Peoples (16th), North South XXI (16th), Pax Christi International (17th), Pax Romana (17th), Saami Council (16th), Transnational Radical Party (17th), Women's International League for Peace and Freedom (16th), World Federation for Mental Health (17th).

167. Statements were also made by the observers for: Mexico (17th), Peru (17th), Philippines (17th).

168. A statement equivalent to a right of reply was made by the observer for Ecuador (17th).

Study on treaties, agreements and other constructive agreements between States and indigenous populations

169. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.27, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Daes, Mr. Guissé and Mr. Hatano.

170. A statement in connection with the draft decision was made by Ms. Daes.

171. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1997/110.

Permanent forum within the United Nations system for indigenous peoples

172. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.29, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Ms. Palley and Mr. Weissbrodt subsequently joined the sponsors.

173. Ms. Daes orally revised the draft resolution by replacing the text of operative paragraph 3, which read as follows:

> Decides to recommend to the Commission on Human Rights the following draft decision for adoption:
>
> > "The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to submit the question of the establishment of a permanent forum in the United Nations for indigenous peoples to the Economic and Social Council for its consideration."

174. Mr. Yokota orally amended operative paragraph 1 of the revised draft resolution by replacing the words "the permanent forum be established" by the words "a permanent forum within the United Nations system be established as soon as possible".

175. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Mr. Lindgren Alves and Ms. Palley.

176. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/10.

International Decade of the World's Indigenous People

177. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.30, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Weissbrodt subsequently joined the sponsors.

178. Mr. Yokota orally proposed to amend the draft resolution by deleting operative paragraph 7, which read: "Recommends that the permanent forum for indigenous peoples within the United Nations system be established as soon as possible in the course of the Decade". The proposed amendment was accepted by the sponsors.

179. Ms. Daes proposed, in writing, to revise the draft resolution as follows:

(a) Insert two new preambular paragraphs after the second preambular paragraph,

(b) Add two new operative paragraphs as paragraphs 8 and 9, renumbering the subsequent operative paragraphs accordingly.

180. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/15.

Study on indigenous land rights

181. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.31, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Mr. Eide, Ms. Palley, Mr. Weissbrodt and Mr. Yimer subsequently joined the sponsors.

182. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/12.

Protection of the heritage of indigenous people

183. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.34, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez and Mr. Diaz Uribe subsequently joined the sponsors.

184. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/13.

Working Group on Indigenous Populations

185. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.35, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Mr. Eide, Mr. Weissbrodt and Mr. Yimer subsequently joined the sponsors.

186. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/14.

X. PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

187. The Sub-Commission considered item 8 at its 20th to 22nd, 26th and 35th meetings, held on 19, 20, 22 and 27 August 1997.

188. For the list of documents issued under item 8, see annex VI to the present report.

189. At the 20th meeting, on 19 August 1997, the Chairperson-Rapporteur of the Working Group on Minorities, Mr. Asbjørn Eide, introduced the report of the Working Group on its third session (E/CN.4/Sub.2/1997/18).

190. In the general debate under this item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (21st), Mr. Bossuyt (20th), Mr. Chernichenko (20th), Ms. Daes (26th), Mr. Eide (26th), Mr. El-Hajjé (22nd), Mr. Fan Guoxiang (20th), Mr. Guissé (20th), Mr. Hatano (22nd), Mr. Joinet (22nd), Mr. Khalifa (22nd), Mr. Lindgren Alves (22nd), Mr. Maxim (22nd), Ms. McDougall (21st), Mr. Yimer (20th).

191. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Bureau of Educational Sciences (21st), African Commission of Health and Human Rights Promoters (21st), Afro-Asian People's Solidarity Organization (21st), American Association of Jurists (22nd), Christian Solidarity International (21st), Himalayan Research and Cultural Foundation (21st), Indian Council of Education (21st), International Association for Religious Freedom (21st), International Association of Democratic Lawyers (22nd), International Association of Educators for World Peace (21st), International Council of Jewish Women (21st), International Federation of Free Journalists (21st), International Human Rights Association of American Minorities (21st), International Institute for Peace (21st), International Islamic Federation of Student Organizations (22nd), International League for the Rights and Liberation of Peoples (22nd), International Service for Human Rights (21st), Minority Rights Group (21st), Pax Christi International (21st), Transnational Radical Party (21st).

192. Statements were also made by the observers for: Azerbaijan (22nd), Bangladesh (22nd), Hungary (22nd), Iran (Islamic Republic of) (22nd), Iraq (22nd), Myanmar (22nd), Pakistan (22nd), Russian Federation (26th), Sri Lanka (26th).

193. Statements equivalent to a right of reply were made by the observers for: Armenia (26th), Azerbaijan (26th).

Prevention of discrimination against and protection of minorities

194. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.41, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Mr. Diaz Uribe, Mr. Fan Guoxiang, Ms. Gwanmesia,

Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Maxim and Ms. Warzazi subsequently withdrew as sponsors.

195. Mr. Chernichenko orally revised the draft resolution by inserting, in operative paragraph 2, after the words "on its third session", the words "together with the working papers prepared by the members of the Working Group".

196. Ms. Warzazi orally revised the draft resolution by deleting, in operative paragraph 3, the words "for a further three years" after the words "extension of the mandate of the Working Group on Minorities".

197. Mr. Fan Guoxiang orally revised the draft resolution by deleting, at the end of operative paragraph 4, the words "with a view to strengthening her preventive activities and enhancing her reponses to minority situations warranting urgent action".

198. Mr. Alfonso Martínez orally amended the draft resolution by inserting, in the draft decision in operative paragraph 16, the words "of five working days" after the words "one session" and deleting the words "namely, in 1998, 1999 and 2000" at the end of the draft decision.

199. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Lindgren Alves, Mr. Maxim, Ms. Warzazi and Mr. Yimer.

200. The draft resolution as revised and amended was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/23.

XI. THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS:

(a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY;

(b) APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES AND THE JUDICIAL PROTECTION OF CHILDREN;

(c) GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS AN INTERNATIONAL CRIME;

(d) JUVENILE JUSTICE

201. The Sub-Commission considered item 9 at its 26th, 28th, 29th and 34th meetings, held on 22, 25 and 27 August 1997.

202. For the list of documents issued under item 9, see annex VI to the present report.

203. At its 26th meeting, on 22 August 1997, the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, introduced his tenth annual report and list (E/CN.4/Sub.2/1997/19 and Add.1).

204. In this connection, statements were made at the same meeting by the following members of the Sub-Commission: Mr. Ali Khan, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Weissbrodt and Mr. Zhong Shukong.

205. At its 28th meeting, on 25 August 1997, the Special Rapporteur on the question of impunity of perpetrators of violations of human rights (civil and political rights), Mr. Louis Joinet, introduced his final report (E/CN.4/Sub.2/1997/20).

206. At its 29th meeting, on 25 August 1997, the Chairman-Rapporteur of the sessional working group on the administration of justice, Mr. Louis Joinet, introduced the report of the working group (E/CN.4/Sub.2/1997/21). At the same meeting, Mr. Chernichenko presented his expanded working paper on the recognition of gross and massive violations of human rights perpetrated by Governments or sanctioned by them as an international crime (E/CN.4/Sub.2/1997/29).

207. In the general debate under this item, statements 1/ were made by the following members of the Sub-Commission: Mr. Eide (28th), Mr. Fix Zamudio (29th), Mr. Guissé (28th), Ms. Gwanmesia (28th), Mr. Lindgren Alves (28th).

208. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (28th), American Association of Jurists (28th), France Libertés: Fondation Danielle Mitterrand (29th), Franciscans International (29th), Indigenous World Association (28th), International Association against Torture (29th), International Association of Democratic Lawyers (28th), International

Commission of Jurists (28th), International Educational Development, Inc. (28th), International Falcon Movement - Socialist Educational International (29th), International Federation of Human Rights Leagues (28th), International Institute for Peace (28th), International League for the Rights and Liberation of Peoples (29th), International Movement for Fraternal Union among Races and Peoples (28th), International Prison Watch (28th), International Progress Organization (29th), International Service for Human Rights (28th), Liberation (29th), North South XXI (28th), Pax Christi International (29th), Pax Romana (26th), Transnational Radical Party (26th), War Resisters' International (28th), Women's International Democratic Federation (28th), World Organization against Torture (29th), Worldview International Foundation (29th).

209. Statements were made by the observers for: Georgia (29th), Mexico (29th), Pakistan (29th), Russian Federation (29th), Tunisia (29th).

210. Statements equivalent to a right of reply were made by the observers for: Yemen (29th), Ethiopia (29th).

Situation of street children and minor detainees

211. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.9, sponsored by Ms. Daes, Mr. Eide, Ms. Ferero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi and Ms. Warzazi.

212. A statement in connection with the draft resolution was made by Ms. Warzazi.

213. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/24.

Report of the sessional working group on the administration of justice

214. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.25, sponsored by Mr. Chernichenko, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Joinet and Mr. Park. Ms. Daes and Mr. Weissbrodt subsequently joined the sponsors.

215. Mr. Weissbrodt orally revised the draft decision by inserting the words "in all circumstances" after the words "considered to be non-derogable" and after the words "making habeas corpus a non-derogable right".

216. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet and Mr. Yimer.

217. The draft decision, as amended, was adopted without a vote. For the text of the decision see chapter II, section B, decision 1997/115.

The administration of justice and human rights

218. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.40, sponsored by Mr. Ali Khan, Ms. Attah,

Mr. Boutkevitch, Ms. Daes, Mr. Decaux, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Weissbrodt, Mr. Yimer and Mr. Zhong Shukong.

219. A statement in connection with the draft decision was made by Mr. Joinet.

220. The decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1997/116.

Juvenile justice

221. At its 35th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.48, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

222. Mr. Alfonso Martínez orally revised the draft resolution by replacing, in operative paragraph 4, the words "system of administrative justice" with the words "systems of administration of justice".

223. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/25.

Privatization of prisons

224. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.49, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Joinet, Mr. Mehedi, Ms. Warzazi and Mr. Yimer.

225. Mr. Alfonso Martínez proposed to revise the draft resolution by replacing, in operative paragraphs 1 and 2, the words "the rule of law" with the words "the obligation to respect and implement the legislation in force in the country concerned".

226. Ms. Palley proposed to amend the resolution by replacing, in operative paragraphs 1 and 2, the words "one of its titular experts" by the words "Mr. Ali Khan".

227. Mr. Alfonso Martínez proposed to amend the amendment proposed by Ms. Palley by adding, after the words "Mr. Ali Khan", the words "in the event that Mr. Ali Khan remains a member of the Sub-Commission".

228. Statements in connection with the draft resolution and the amendments were made by Mr. Alfonso Martínez, Mr. Joinet and Ms. Palley.

229. Mr. Joinet proposed that a vote be taken to close the debate. The motion was adopted by 13 votes to 7.

230. Mr. Yimer proposed that a vote be taken to adopt the amendment proposed by Mr. Alfonso Martínez. The motion was rejected by 13 to 2, with 7 abstentions.

231. Statements were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Mr. Joinet, Ms. Palley and Mr. Weissbrodt.

232. Mr. Yimer proposed that a vote be taken to adopt the amendment proposed by Ms. Palley. The motion was adopted by 17 to 2, with 3 abstentions.

233. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/26.

Question of human rights and states of emergency

234. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.56, sponsored by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Diaz Uribe, Mr. Khalil, Mr. Fix Zamudio and Mr. Yimer.

235. Mr. Weissbrodt proposed, in writing, to amend the draft resolution by deleting operative paragraphs 1 and 2, and replacing them with a new text.

236. A statement was made by Mr. Alfonso Martínez.

237. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/27.

Question of the impunity of perpetrators of violations of human rights (civil and political rights)

238. At its 34th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.60, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

239. Mr. Alfonso Martínez proposed to amend the draft resolution by deleting operative paragraph 4.

240. Ms. Warzazi revised the draft resolution by adding, in operative 3, after the words "at its fifty-fourth session" the words "with a view to its possible transmission to the General Assembly, through the Economic and Social Council".

241. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Warzazi and Mr. Yimer.

242. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/28.

XII. FREEDOM OF MOVEMENT:

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION;

(b) HUMAN RIGHTS AND POPULATION DISPLACEMENTS

243. The Sub-Commission considered item 10 at it 26th, 30th and 36th meetings, held on 22, 25 and 28 August 1997.

244. For the list of documents issued under item 10, see annex VI to the present report.

245. At its 26th meeting, on 22 August 1997, the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements, Mr. Awn Shawkat Al-Khasawneh, introduced his final report (E/CN.4/Sub.2/1997/23).

246. In this connection, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Ms. Attah, Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Ms. Warzazi and Mr. Zhong Shukong.

247. At its 30th meeting, on 25 August 1997, Mr. Volodymyr Boutkevitch presented his working paper on the right to freedom of movement (E/CN.4/Sub.2/1997/22).

248. At its 30th meeting, in the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Bossuyt, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mr. Mehedi and Mr. Weissbrodt.

249. A statement was made by the observer for the Office of the United Nations High Commissioner for Refugees.

250. At the same meeting, the Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, Arab Lawyers Union, France Libertés: Fondation Danielle Mitterrand, Himalayan Research and Cultural Foundation, International Educational Development, Inc., International Institute for Peace, Liberation, Lutheran World Federation, North South XXI, Pax Christi International, Pax Romana, Society for Threatened Peoples, War Resisters' International, World Society for Victimology and Worldview International Foundation.

251. Statements were made by the observers for: Cyprus, Peru.

252. Statements equivalent to a right of reply were made by the observers for: China, Cyprus, Pakistan, Turkey.

253. At the same meeting, a concluding statement was made by Mr. Al-Khasawneh.

Freedom of movement and population transfers

254. At its 34th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.46, sponsored by Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Ms. Attah, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mr. Maxim and Mr. Mehedi subsequently joined the sponsors.

255. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt and Ms. Warzazi.

256. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/29.

Study concerning the right to freedom of movement

257. At its 34th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.47, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer.

258. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt and Mr. Chernichenko.

259. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/30.

The right to return

260. At its 34th meeting, on 27 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.53, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Hatano, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Weissbrodt and Mr. Yimer. Ms. Gwanmesia, Mr. Khalil and Mr. Joinet subsequently joined the sponsors.

261. Ms. Warzazi proposed to amend the draft resolution by replacing, in operative paragraph 6, the words "have fled or been driven out" by the word "originate" after the words "countries from which refugees", and by replacing the words "resolve such long-standing questions, the primary purpose of such negotiations being" by the words "realize the primary purpose of such negotiations, which is".

262. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Mr. Joinet and Mr. Mehedi.

263. Mr. Mehedi proposed that a vote be taken to adopt the amendment. The motion was adopted by 14 votes to 1, with 8 abstentions.

264. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/31.

XIII. PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH

265. The Sub-Commission considered agenda item 10 bis at the 33rd meeting, on 27 August 1997, and the 36th meeting, on 28 August 1997.

266. For the list of documents issued under item 10 bis, see annex VI to the present report.

267. At its 33rd meeting, on 27 August 1997, in the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Ms. Daes, Mr. Weissbrodt.

268. At the same meeting, the Sub-Commission also heard a statement by the representative of the following non-governmental organization: International Commission of Jurists.

Rights of the child

269. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.54, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe, Mr. Guissé, Mr. Hatano, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

270. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/117.

Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth

271. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.59, sponsored by Mr. Alfonso Martínez.

272. Mr. Alfonso Martínez revised the draft resolution by replacing, in operative paragraph 3, the word "annually" by the words "at its fiftieth session", and deleting those words at the end of the paragraph.

273. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Attah, Mr. Eide, Mr. Guissé, Ms. Gwanmesia, Ms. Palley, Ms. Warzazi, Mr. Yimer and Mr. Yokoto.

274. Mr. Yokoto proposed to postpone consideration of the draft resolution until 1998.

275. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Yokoto's proposal. The motion was rejected by 12 votes to 7, with 5 abstentions. The voting was as follows:

In favour: Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Joinet, Mr. Maxim, Ms. Palley.

Against: Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Boutkevitch, Mr. Chernichenko, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Fix Zamudio, Mr. Mehedi, Ms. Warzazi, Mr. Yimer.

Abstaining: Ms. Attah, Mr. Fan Guoxiang, Mr. Khalifa, Mr. Park, Mr. Weissbrodt.

276. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/32.

XIV. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

(a) THE FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS;

(b) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, *INTER ALIA*, TO: (i) PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS; (ii) ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF; (iii) ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS;

(c) REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE: (i) IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS; (ii) TERRORISM AND HUMAN RIGHTS; (iii) INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE;

(d) OTHER NEW DEVELOPMENTS: (i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS; (ii) ARBITRARY DEPRIVATION OF NATIONALITY

277. The Sub-Commission considered item 11 at its 33rd to 37th meetings on 27 and 28 August 1997.

278. For the list of documents issued under this item, see annex VI to the present report.

279. At the 33rd meeting, on 27 August 1997, Ms. Kalliopi Koufa introduced her working paper on the question of terrorism and human rights (E/CN.4/Sub.2/1997/28).

280. At the 34th meeting, on 27 August 1997, Mr. El-Hajjé introduced his working paper on the promotion and protection of human rights by the exercise of democracy and the establishment of a democratic society (E/CN.4/Sub.2/1997/30).

281. In the general debate on this item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Ms. Attah (33rd), Mr. Bossuyt (33rd), Mr. Diaz Uribe (34th), Mr. Eide (33rd), Mr. El-Hajjé (34th), Mr. Fan Guoxiang (33rd), Mr. Fix Zamudio (33rd), Mr. Joinet (34th), Mr. Khalil (33rd), Mr. Lindgren Alves (33rd), Mr. Maxim (33rd), Mr. Mehedi (34th), Mr. Park (34th), Mr. Yimer (33rd), Ms. Warzazi (34th), Mr. Weissbrodt (34th).

282. The Sub-Commission heard statements by the observers for UNAIDS (34th) and the International Committee of the Red Cross (33rd).

283. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (34th), Afro-Asian Peoples' Solidarity Organization (34th), American Association of Jurists (35th), Association for World Education (34th), Baha'i International Community (34th), Christian Solidarity International (34th), France Libertés: Fondation Danielle Mitterrand (34th), Franciscans International (34th), Fraternité Notre Dame, Inc. (34th), Himalayan Research and Cultural Foundation (34th), International Association for Religious Freedom (34th), International Association for the Defence of Religious Liberty (34th), International Association of Democratic Lawyers (34th), International Council of Jewish Women (34th), International Educational Development, Inc. (34th), International Federation of Human Rights Leagues (34th), International Institute for Non-Aligned Studies (34th), International Institute for Peace (34th), International League for the Rights and Liberation of Peoples (34th), International Progress Organization (34th), Pax Christi International (34th), Pax Romana (34th), Transnational Radical Party (34th), United Towns Agency for North-South Cooperation (34th), World Christian Life Community (34th), World Federation for Mental Health (34th), World Jewish Congress (34th), Worldview International Foundation (34th).

284. At the 35th meeting, on 27 August, statements were also made by the observers for: Armenia, Azerbaijan, Egypt, India, Indonesia, Iraq, Peru, South Africa, Sri Lanka, Sudan, Turkey.

285. At the same meeting, statements equivalent to a right of reply were made by the observers for: Pakistan, Viet Nam.

Injurious effects of anti-personnel mines

286. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.4, sponsored by Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Forero Ucros, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

287. Mr. Joinet revised, in writing, the draft resolution as follows:

(a) Replace the ninth preambular paragraph, which read: "Welcoming further the future international conferences to be held in Ottawa from 2 to 4 December and in Oslo from 1 to 19 December 1997, at which future parties to the treaty will finalize negotiations";

(b) In the tenth preambular paragraph, replace the words "to start producing only supposedly intelligent mines" by the words "to stop using undetectable anti-personnel mines";

(c) After operative paragraph 4, insert two new operative paragraphs, to be numbered 5 and 6, and renumber the subsequent paragraphs accordingly;

(d) In new operative paragraph 9, insert, after the words "to all Governments", the words "in particular those of States which in the past have laid anti-personnel landmines in the territory of other States".

288. Statements in connection with the draft resolution and the revision were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Fan Guoxiang, Mr. Guissé, Mr. Weissbrodt and Mr. Yimer. Mr. Chernichenko declared that he was not participating in the consideration of the draft resolution.

289. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/33.

Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations

290. At its 36th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.6, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes. Mr. Eide, Mr. El-Hajjé, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Ms. Warzazi and Mr. Weissbrodt. Mr. Ali Khan subsequently joined the sponsors.

291. Mr. Bossuyt revised the draft resolution by replacing, in operative paragraph 1, the words "provisions of the Geneva Conventions of 12 August 1949 and the international human rights instruments" by the words "norms of international humanitarian law and international human rights law".

292. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé and Ms. Warzazi.

293. The draft resolution, as revised, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/34.

Adverse consequences of economic sanctions on the enjoyment of human rights

294. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.7, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley and Ms. Warzazi. Mr. Khalil subsequently joined the sponsors.

295. Statements in connection with the draft resolution were made by Mr. Chernichenko and Mr. Guissé. Mr. Chernichenko declared that he was not participating in the consideration of the draft resolution.

296. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/35.

International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

297. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.23 sponsored by Mr. Ali Khan, Ms. Daes, Mr. Eide, Ms. Forero Ucros, Mr. Hatano, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Guissé, Mr. Joinet and Mr. Khalil subsequently joined the sponsors.

298. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/36.

Illicit transfer of arms

299. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.32, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

300. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/37.

Promotion of dialogue on human rights issues

301. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.33, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

302. Mr. Fan Guoxiang revised the draft resolution by replacing, in the seventh preambular paragraph, the words "5 August" by "18 April".

303. Statements in connection with the draft resolution were made by Mr. Bossuyt, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Ms. Warzazi and Mr. Weissbrodt.

304. At the request of Ms. Palley, a vote was taken. The draft resolution was adopted by 20 votes to 1.

305. A statement was made by Mr. Joinet.

306. For the text of the resolution see chapter II, section A, resolution 1997/38.

The concept of affirmative action

307. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.42, sponsored by Ms. Attah, Ms. Daes,

Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Joinet and Mr. Weissbrodt subsequently joined the sponsors.

308. Ms. Warzazi revised the draft decision by inserting the name of Mr. Bossuyt in the blank space.

309. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/118.

Human rights and terrorism

310. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.44, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Weissbrodt and Mr. Yimer.

311. A statement was made by Ms. Palley.

312. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/39.

The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

313. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.50, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Lindgren Alves, Mr. Maxim, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer.

314. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/40.

Review of further developments in fields with which the Sub-Commission has been or may be concerned

315. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.51, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

316. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/41.

Humanitarian situation in Iraq

317. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.57, sponsored by Ms. Warzazi.

Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet, Mr. Khalil and Mr. Mehedi subsequently joined the sponsor.

318. Statements in connection with the draft decision were made by Mr. Bossuyt, Mr. Chernichenko, Mr. Guissé, Mr. Khalil, Ms. Warzazi and Mr. Weissbrodt.

319. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1997/119.

Human rights and scientific and technological developments

320. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.58, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer.

321. Mr. Weissbrodt orally amended the draft resolution by inserting, after the word "adverse", the words "and positive" in the last preambular paragraph and in operative paragraph 2, as well as the first time the word "adverse" appeared in operative paragraph 1.

322. Statements in connection with the draft resolution were made by Mr. Eide, Mr. Guissé and Mr. Joinet.

323. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1997/42.

Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

324. At its 37th meeting, on 28 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.61, sponsored by Ms. Daes.

325. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/43.

XV. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

326. The Sub-Commission considered item 12 at its 31st, 32nd and 38th meetings, held on 26 and 29 August 1997.

327. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

328. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

329. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-fifth session, held from 21 July to 1 August 1997 (E/CN.4/Sub.2/1997/R.1 and Addenda), certain communications which had been kept pending before the Sub-Commission since its forty-eighth session in 1996, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of government replies, including detailed and substantive replies, had been received in response to communications forwarded to Governments under Council resolution 728F (XXVIII), and was pleased to see an increasing display of international cooperation in that regard. The Sub-Commission stressed in this connection that government cooperation was essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII).

330. Ms. Palley, on behalf of Mr. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-eighth session.

331. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications until its fiftieth session in 1998, and to take no action with regard to other communications.

332. At its 38th meeting (closed part), on 29 August 1997, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

333. At its 33rd meeting, on 27 August 1997, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its fiftieth session. For the composition of the Working Group, see chapter II, section B, decision 1997/111.

XVI. CONCLUDING ITEMS:

(a) CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION;

(b) DRAFT PROVISIONAL AGENDA FOR THE FIFTIETH SESSION OF THE SUB-COMMISSION;

(c) ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

334. The Sub-Commission considered agenda item 13 at its 38th meeting, on 29 August 1997.

335. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/1997/L.1 containing the draft provisional agenda for the fiftieth session of the Sub-Commission.

336. Statements in connection with the draft provisional agenda were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. El-Hajjé, Ms. Mbonu and Ms. Palley. The draft provisional agenda reads as follows:

1. Organization of work:

    (a) Election of officers;

    (b) Adoption of the agenda;

    (c) Methods of work of the Sub-Commission.

    Legislative authority: Commission on Human Rights resolution 1997/22; Sub-Commission resolution 1992/8 and decisions 1994/117, 1995/112, 1995/113 and 1997/113.

    Documentation:

    Revised working paper by Mr. Hatano relating to the methods of work of the Sub-Commission (resolution 1997/16).

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

    Legislative authority: Sub-Commission resolution 1997/1 and decision 1997/113.

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

(a) Situation of migrant workers and members of their fmilies;

(b) Xenophobia.

Legislative authority: Sub-Commission resolutions 1994/4, 1997/4 and 1997/5 and decisions 1996/120 and 1997/118.

Documentation:

(a) Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination by two members of the Sub-Commission and of the Committee on the Elimination of Racial Discrimination, respectively (decision 1996/120);

(b) Working paper by Mr. Bossuyt on the concept of affirmative action (decision 1997/118).

4. The realization of economic, social and cultural rights:

(a) The international economic order and the promotion of human rights;

(b) The realization of the right to development;

(c) The question of transnational corporations;

(d) The realization of the right to education, including education in human rights.

Legislative authority: Sub-Commission resolutions 1989/1, 1996/22, 1996/39, 1997/6, 1997/7, 1997/11, 1997/18 and 1997/19 and decisions 1997/107 and 1997/108.

Documentation:

(a) Background document by Mr. Guissé on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations (resolution 1997/11, para. 3);

(b) Working paper by Mr. Guissé on the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services (resolution 1997/18, paras. 3 and 4);

(c) Final report and supplementary document of the Special Rapporteur on human rights and income distribution (decision 1997/107);

(d) Updated study on the right to food by Mr. Eide (decision 1997/108).

5. The implementation of the human rights of women:

(a) Traditional practices affecting the health of women and the girl child;

(b) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1996/19, 1997/8 and 1997/9.

Documentation:

Follow-up report of the Special Rapporteur on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (resolution 1997/8, para. 13).

6. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1997/21 and 1997/22 and decision 1997/114.

Documentation:

(a) Report of the Secretary-General on the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1997/22, para. 28);

(b) Report of the Working Group on Contemporary Forms of Slavery on its twenty-third session (resolution 1997/22);

(c) Final report on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict (decision 1997/114).

7. Human rights of indigenous peoples:

(a) Indigenous peoples and their relationship to land

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77; Commission on Human Rights resolution 1997/32 and decisions 1997/112 and 1997/114; Sub-Commission resolutions 1997/12, 1997/13 and 1997/14 and decision 1997/110.

Documentation:

(a) Final working paper of the Special Rapporteur on indigenous land rights (resolution 1997/12, para. 3);

(b) Report of the Working Group on Indigenous Populations on its sixteenth session (resolution 1997/14);

(c) Final report of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1997/110).

8. Prevention of discrimination against and the protection of minorities

Legislative authority: Commission on Human Rights resolutions 1995/24 and 1997/16; Sub-Commission resolutions 1994/4 and 1997/23.

Documentation:

Report of the Working Group on its fourth session (resolution 1997/23).

9. The administration of justice and human rights:

(a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice;

(e) Privatization of prisons;

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Sub-Commission resolutions 1997/25, 1997/26 and 1997/27 and decision 1997/116.

Documentation:

(a) Working paper by Ms. Gwanmesia on juvenile justice (resolution 1997/25, para. 6);

(b) Preliminary report by the Special Rapporteur on privatization of prisons (resolution 1997/26, para. 1);

(c) Eleventh annual report by the Special Rapporteur on human rights and states of emergency (resolution 1997/27, para. 3).

10. Freedom of movement:

    (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

    (b) Human rights and population displacements.

    Legislative authority: Sub-Commission resolutions 1994/24, 1997/29, 1997/30 and 1997/31.

    Documentation:

    Preliminary report by the Special Rapporteur on the right to freedom of movement (resolution 1997/30, para. 3).

11. Situation regarding the promotion, full realization and protection of the rights of children and youth

    Legislative authority: Sub-Commission resolution 1997/32.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

    (a) The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights;

    (b) Review of developments concerning recommendations and decisions relating, inter alia, to:

        (i) Promotion, protection and restoration of human rights at national, regional and international levels;

        (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

        (iii) Encouragement of universal acceptance of human rights instruments;

        (iv) Human rights and scientific and technological developments;

    (c) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

        (i) Implications of humanitarian activities for the enjoyment of human rights;

        (ii) Terrorism and human rights;

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(d) Human rights and disability;

(e) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

Legislative authority: Sub-Commission resolutions 1997/33, 1997/35, 1997/36, 1997/37, 1997/38, 1997/39, 1997/40, 1997/41, 1997/42 and 1997/43.

Documentation:

(a) Working paper by Ms. Forero Ucros concerning a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (resolution 1997/36, para.2; resolution 1997/37);

(b) Preliminary report by the Special Rapporteur on terrorism and human rights (resolution 1997/39, para. 6);

(c) Report of the Secretary-General (resolution 1997/41, para. 2);

(d) Preliminary report by the Special Rapporteur on potentially adverse and positive consequences of scientific progress (resolution 1997/42, para. 1).

13. Communications concerning human rights; report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-first session of the Sub-Commission;

(c) Adoption of the report of the fiftieth session.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-first session of the Sub-Commission, together with information concerning documentation relating thereto.

337. At the same meeting, the Sub-Commission had before it the draft report on the work of its forty-ninth session (E/CN.4/Sub.2/1997/L.10 and E/CN.4/Sub.2/1997/L.11 and Addenda).

338. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Mr. Guissé, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

339. At the same meeting, the Sub-Commission adopted the draft report and decided to entrust the Rapporteur with its finalization, taking into account the amendments made by the members.

Note

1/ The numbers in parentheses indicate the meeting at which the statement was made.

Annex I

AGENDA

1. Organization of work:
    (a) Election of officers;
    (b) Adoption of the agenda;
    (c) Methods of work of the Sub-Commission.
2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:
    (a) Situation of migrant workers and members of their families;
    (b) Xenophobia.
4. The realization of economic, social and cultural rights:
    (a) The international economic order and the promotion of human rights;
    (b) The realization of the right to development;
    (c) The question of transnational corporations;
    (d) The realization of the right to education, including education in human rights.
5. The implementation of the human rights of women:
    (a) Traditional practices affecting the health of women and the girl child;
    (b) The role and equal participation of women in development.
6. Contemporary forms of slavery.
7. Human rights of indigenous peoples:
    (a) Indigenous peoples and their relationship to land.
8. Prevention of discrimination against and the protection of minorities.

9. The administration of justice and human rights:

   (a) Question of human rights and states of emergency;

   (b) Application of international standards concerning the human rights of detained juveniles and the judicial protection of children;

   (c) Gross and massive violations of human rights as an international crime;

   (d) Juvenile justice.

10. Freedom of movement:

   (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

   (b) Human rights and population displacements.

10. bis Promotion and protection of human rights of children and youth.

11. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

   (a) The fiftieth anniversary of the adoption of the Universal Declaration of Human Rights;

   (b) Review of developments concerning recommendations and decisions relating, inter alia, to:

      (i) Promotion, protection and restoration of human rights at national, regional and international levels;
      (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;
      (iii) Encouragement of universal acceptance of human rights instruments;

   (c) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

      (i) Implications of humanitarian activities for the enjoyment of human rights;

   (ii) Terrorism and human rights;

   (iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(d) Other new developments:

 (i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

12. Communications concerning human rights; report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

13. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fiftieth session of the Sub-Commission;

(c) Adoption of the report on the forty-ninth session.

Annex II

ATTENDANCE

Members and alternates

Name	Country of nationality
Mr. Miguel Alfonso Martínez	(Cuba)
Mr. Mohamed Sardar Ali Khan	(India)
Ms. Judith Sefi Attah	(Nigeria)
Ms. Christy Ezim Mbonu*	
Mr. José Bengoa	(Chile)
Mr. Mario Ibarra*	
Mr. Marc Bossuyt	(Belgium)
Mr. Guy Genot*	
Mr. Volodymyr Boutkevitch	(Ukraine)
Mr. Stanislav V. Chernichenko	(Russian Federation)
Ms. Erica-Irene A. Daes	(Greece)
Ms. K. Koufa*	
Mrs. Clemencia Forero Ucros	(Colombia)
Mr. Alberto Diaz Uribe*	
Mr. Asbjørn Eide	(Norway)
Mr. Jan Helgesen*	
Mr. Osman El-Hajjé	(Lebanon)
Mr. Fan Guoxiang	(China)
Mr. Zhong Shukong*	
Mr. Héctor Fix Zamudio*	(Mexico)
Mr. El-Hadji Guissé	(Senegal)
Ms. Lucy Gwanmesia	(Cameroon)
Mr. Ribot Hatano	(Japan)
Mr. Yozo Yokota*	

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* Alternate.

Name	Country of nationality
Mr. Louis Joinet Mr. Emmanuel Decaux*	(France)
Mr. Ahmed Khalifa Mr. Ahmed Khalil*	(Egypt)
Mr. José Augusto Lindgren Alves	(Brazil)
Mr. Ioan Maxim	(Romania)
Mr. Mustapha Mehedi	(Algeria)
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
Mr. Sang Yong Park	(Republic of Korea)
Ms. Halima Embarek Warzazi	(Morocco)
Mr. David Weissbrodt Ms. Gay J. McDougall*	(United States of America)
Mr. Fisseha Yimer	(Ethiopia)

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Germany, Georgia, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Non-member States represented by observers

Holy See, Switzerland

United Nations bodies

Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements, United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Department of Humanitarian Affairs, United Nations Environment Programme, United Nations International Research and Training Institute for the Advancement of Women, United Nations Non-Governmental Liaison Service, United Nations Population Fund, United Nations Programme on HIV/AIDS (UNAIDS).

Specialized agencies

International Labour Organization, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Intergovernmental organizations

Agency for Cultural and Technical Cooperation, European Commission, European Parliament, International Organization for Migration, League of Arab States, Organization for Economic Cooperation and Development, Organization of the Islamic Conference.

National liberation movement

Palestine.

Other organizations

International Committee of the Red Cross.

Non-governmental organizations

General consultative status

Franciscans International, International Abolitionist Federation, International Alliance of Women, International Association for Religious Freedom, International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, Inter-Parliamentary Union, Soldiers of Peace International Association, Soroptimist International, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Special consultative status

African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, All India Women's Conference, All Pakistan Women's Association, American Association of Jurists, Amnesty International, Anti-Racism Information Service, Anti-Slavery International, Arab Lawyers Union, Association for the Prevention of Torture, Baha'i International Community, Caritas Internationalis, Center for Justice and International Law, Coalition Against Trafficking in Women, Commission of Churches on International Affairs of the World Council of Churches, Consultative Council of Jewish Organizations, Coordinating Board of Jewish Organizations, Defence for Children International, Equality Now, Federation of Associations of Former International Civil Servants, France Libertés: Fondation Danielle Mitterrand, Fraternité Notre Dame, Friends World Committee for Consultation (Quakers), General Arab Women Federation, Habitat International Coalition, Himalayan Research and Cultural Foundation, Human Rights Advocates, Human Rights Watch, Indian Council of Education, Indigenous World Association, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Jewish Lawyers, International Association of Lawyers, International Centre for Human Rights and Democratic Development, International Centre for the Legal Protection of Human Rights, International Commission of Jurists, International Council of Jewish Women, International Council of Jewish Social and Welfare Services, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights Leagues, International Federation of Social Workers, International Federation Terre des Hommes, International Federation of University Women, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Institute for Human Rights, Environment and Development, International Institute for Non-Aligned Studies, International Institute of Humanitarian Law, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Prison Watch, International Service for Human Rights, International Work Group for Indigenous Affairs, Lutheran World Federation, Minnesota Advocates for Human Rights, National Bar Association, New Human Rights, North South XXI, Pathways to Peace, Pax Christi International, Pax Romana, Seventh-Day Adventists, Socialist International Women, Society for Threatened Peoples, Susila Dharma International, Union of Arab Jurists, United Towns Agency for North-South Cooperation, War Resisters' International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association of Former United Nations Interns and Fellows, World Association of Psychosocial Rehabilitation, World Federation of Mental Health, World Federation of Methodist and Uniting Church Women, World Jewish Congress, World Movement of Mothers, World Society of Victimology, World Student Christian Federation, World Union of Catholic Women's Organizations, World University Service, Worldview International Foundation.

Roster

African Bureau of Educational Sciences, Association for World Education, Centre Europe - Tiers Monde, Christian Solidarity International, International Association of Educators for World Peace, International Educational Development, International Falcon Movement, International Federation of Free Journalists, International Human Rights Association of American Minorities, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Peace Bureau, International PEN, International Progress Organization, Liberation, Minority Rights Group, Movement against Racism and for Friendship Among Peoples, Saami Council, Servas International, Soka Gakkai International, Survival International Limited, United Nations Association - United Kingdom and Northern Ireland, World Alliance of Reformed Churches, World Association for the School as an Instrument of Peace, World Christian Life Community, World Organization against Torture, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-NINTH SESSION

1. It is anticipated that the requirements related to resolutions and decisions adopted by the Sub-Commission at its forty-ninth session, which are to be considered by the Commission on Human Rights at its fifty-fourth session, would be absorbed from within the provisions made under section 21 of the 1998-1999 programme budget for activities mandated by the Economic and Social Council. If warranted, statements on administrative and programme budget implications will be prepared.

2. Should the draft resolution and decisions recommended to the Commission on Human Rights at its fifty-fourth session be adopted, additional resources which would be required under section 21 would be the subject of a statement on administrative and programme budget implications and included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its forty-ninth session.

Annex IV

SUB-COMMISSION RESOLUTIONS AND DECISIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS

1997/1	Situation of human rights in the Congo, paragraph 3
1997/2	Situation of human rights in Bahrain, paragraph 3
1997/5	Racism and racial discrimination, paragraphs 8, 10, 12, 13, 14
1997/6	Forced evictions, paragraph 8
1997/10	Permanent forum within the United Nations system for indigenous peoples, paragraph 2
1997/14	Working Group on Indigenous Populations, paragraphs 2, 3, 4, 11
1997/17	Organization of the sessions of the Sub-Commission, paragraph 1
1997/19	Women and the right to adequate housing and to land and property, paragraphs 8, 9
1997/20	Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights), paragraphs 1, 2
1997/22	Report of the Working Group on Contemporary Forms of Slavery, paragraphs 2, 14, 15, 52, 60, 65, 66
1997/23	Prevention of discrimination against and protection of minorities, paragraphs 2, 3, 9, 10, 13
1997/24	Situation of street children and minor detainees, paragraphs 1, 2
1997/27	Question of human rights and states of emergency, paragraphs 1, 2
1997/28	Question of the impunity of perpetrators of violations of human rights (civil and political rights), paragraph 3
1997/29	Freedom of movement and population transfers, paragraphs 9, 10
1997/30	Study concerning the right to freedom of movement, paragraph 2
1997/40	The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), paragraphs 2, 3, 4, 5, 8
1997/42	Human rights and scientific and technological developments, paragraph 1
1997/112	Criteria for new studies, (a), (c)
1997/113	Methods of work of the Sub-Commission regarding agenda item 2
1997/114	Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict

Annex V

A. STUDIES AND REPORTS COMPLETED AT THE FORTY-NINTH SESSION OF THE SUB-COMMISSION a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Impunity (economic, social and cultural rights) b/	Mr. Guissé	Commission on Human Rights resolution 1994/44 Sub-Commission resolution 1996/24	Forty-fifth session (1993)	Forty-ninth session (1997)
9	Impunity (civil and political rights) c/	Mr. Joinet	Commission on Human Rights resolution 1994/44 Sub-Commission decision 1996/119	Forty-fifth session (1993)	Forty-ninth session (1997)
10	Human rights dimensions of population transfer d/	Mr. Al-Khasawneh	Commission on Human Rights decision 1996/108 Sub-Commission resolution 1996/9	Forty-fifth session (1993)	Forty-ninth session (1997)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Human rights and income distribution	Mr. Bengoa	Commission on Human Rights decision 1995/105 Sub-Commission decision 1997/107	Forty-seventh session (1995)	Fiftieth session (1998)
5	Traditional practices affecting the health of women and the girl child	Ms. Warzazi	Commission on Human Rights decision 1997/108	Forty-first session (1989)	Fiftieth session (1998)
6	Systematic rape and sexual slavery during armed conflict	Ms. McDougall	Commission on Human Rights decision 1996/107 Sub-Commission decision 1997/114	Forty-eighth session (1996)	Fiftieth session (1998)
7	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martínez	Commission on Human Rights decision 1997/113 Sub-Commission decision 1997/110	Forty-third session (1991)	Fiftieth session (1998)
7	Indigenous peoples and their relationship to land	Ms. Daes	Commission on Human Rights decision 1997/114 Sub-Commission resolution 1997/12	Forty-ninth session (1997)	Fiftieth session (1998)

C. ANNUAL REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
9	Question of human rights and states of emergency	Mr. Maxim	Sub-Commission resolution 1997/27	Thirty-ninth session (1987)	Annually

D. WORKING PAPERS AND OTHER DOCUMENTS WITHOUT FINANCIAL IMPLICATIONS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
1	Methods of work of the Sub-Commission	Mr. Hatano	Sub-Commission resolution 1997/16	Forty-ninth session (1997)	Fiftieth session (1998)
3	The concept of affirmative action	Mr. Bossuyt	Sub-Commission decision 1997/118		Fiftieth session (1998)
3	Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination	Mr. Bengoa Mr. Mehedi	Sub-Commission decision 1996/120		Fiftieth session (1998)
4	The right to education	Mr. Mehedi	Sub-Commission resolution 1997/7		Fiftieth session (1998)
4	The relationship between the enjoyment of human rights and the working methods and activities of transnational corporations	Mr. Guissé	Sub-Commission resolution 1997/11		Fiftieth session (1998)
4	The right of access to drinking water supply and sanitation services	Mr. Guissé	Sub-Commission resolution 1997/18		Fiftieth session (1998)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
4	The right to adequate food as a human right - update	Mr. Eide	Sub-Commission decision 1997/108	Thirty-sixth session (1983)	Fiftieth session (1998)
9	Juvenile justice	Ms. Gwanmesia	Sub-Commission resolution 1997/25		Fiftieth session (1998)
11	Weapons of mass destruction or with indiscriminate effect; illicit transfer of arms	Ms. Forero Ucros	Sub-Commission resolutions 1997/36 and 1997/37		Fiftieth session (1998)

E. STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
9	Privatization of prisons	Mr. Ali Khan	Sub-Commission resolution 1997/26	Fiftieth session (1998)	Fifty-second session (2000)
10	Freedom of movement	Mr. Boutkevitch	Sub-Commission resolution 1997/30	Fifty-first session (1999)	Fifty-third session (2001)
11	Terrorism and human rights	Ms. Koufa	Sub-Commission resolution 1997/39	Fiftieth session (1998)	Fifty-second session (2000)
11	Scientific progress and human rights	Mr. El-Hajjé	Sub-Commission resolution 1997/42	Fiftieth session (1998)	Fifty-second session (2000)

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

b/ The completed study is comprised of documents E/CN.4/Sub.2/1993/6, E/CN.4/Sub.2/1994/11 and Corr.1, E/CN.4/Sub.2/1995/19, E/CN.4/Sub.2/1996/15, E/CN.4/Sub.2/1997/8.

c/ The completed study is comprised of documents E/CN.4/Sub.2/1993/6, E/CN.4/Sub.2/1994/11 and Corr.1, E/CN.4/Sub.2/1995/18, E/CN.4/Sub.2/1997/20.

d/ The completed study is comprised of documents E/CN.4/Sub.2/1993/17 and Corr.1, E/CN.4/Sub.2/1994/18 and Corr.1, E/CN.4/Sub.2/1997/23.

Annex VI

LIST OF DOCUMENTS FOR THE FORTY-NINTH SESSION OF THE SUB-COMMISSION

Documents in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1997/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1997/Add.1		Annotations to the provisional agenda: prepared by the Secretary-General
E/CN.4/Sub.2/1997/Rev.1		Agenda
E/CN.4/Sub.2/1997/2	1	Note by the Secretariat
E/CN.4/Sub.2/1997/3	1 (c)	Working paper on methods of work of the Sub-Commission prepared by Mr. Ribot Hatano pursuant to Sub-Commission decision 1996/114
E/CN.4/Sub.2/1997/4	2	Note by the Secretary-General
E/CN.4/Sub.2/1997/5	2	Note by the Secretary-General
E/CN.4/Sub.2/1997/6	3	Note by the Secretariat
E/CN.4/Sub.2/1997/7	4	Expert seminar on the practice of forced evictions: report of the Secretary-General
E/CN.4/Sub.2/1997/8	4	Final report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. El-Hadji Guissé, Special Rapporteur, pursuant to Sub-Commission resolution 1996/24
E/CN.4/Sub.2/1997/9	4	The relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution: final report prepared by Mr. José Bengoa, Special Rapporteur

Symbol	Agenda item	
E/CN.4/Sub.2/1997/10	5 (a)	Follow-up report of the Special Rapporteur on traditional practices affecting the health of women and children, Mrs. Halima Embarek Warzazi
E/CN.4/Sub.2/1997/10/Add.1	5 (a)	______: information received concerning the implementation of the Plan of Action for the Elimination of Harmful Practices affecting the Health of Women and Children
E/CN.4/Sub.2/1997/11	6	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1996/12
E/CN.4/Sub.2/1997/12	6	Note by the Secretariat
E/CN.4/Sub.2/1997/13	6	Report of the Working Group on Contemporary Forms of Slavery on its twenty-second session
E/CN.4/Sub.2/1997/14	7	Report of the Working Group on Indigenous Populations on its fifteenth session
E/CN.4/Sub.2/1997/15	7	Report of the Technical Meeting on the Protection of the Heritage of Indigenous People
E/CN.4/Sub.2/1997/16		[Document not issued]
E/CN.4/Sub.2/1997/17 and Corr.1	7	Indigenous people and their relationship to land: preliminary working paper prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur
E/CN.4/Sub.2/1997/18	8	Report of the Working Group on Minorities on its third session
E/CN.4/Sub.2/1997/19	9 (a)	Final report of the Special Rapporteur, Mr. Leandro Despuoy, appointed pursuant to Economic and Social Council resolution 1985/37

Symbol	Agenda item	
E/CN.4/Sub.2/1997/19/Add.1	9 (a)	________: tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency
E/CN.4/Sub.2/1997/20	9	Question of the impunity of perpetrators of human rights violations (civil and political): final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119
E/CN.4/Sub.2/1997/21	9	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/1997/22	10	Working paper on the right to freedom of movement and related issues prepared by Mr. Volodymyr Boutkevitch in implementation of decision 1996/109 of the Sub-Commission
E/CN.4/Sub.2/1997/23	10	Human rights and population transfer: final report of the Special Rapporteur, Mr. Awn Shawkar Al-Khasawneh
E/CN.4/Sub.2/1997/24	11	Note by the Secretary-General
E/CN.4/Sub.2/1997/25	11	Memorandum submitted by the International Labour Office: ratification of conventions
E/CN.4/Sub.2/1997/26		[Document not issued]
E/CN.4/Sub.2/1997/27 and Add.1	11 (c) (iii)*	Report by the Secretary-General submitted pursuant to pursuant to Sub-Commission resolution 1996/16
E/CN.4/Sub.2/1997/28	11	Terrorism and human rights: working paper submitted by Mrs. Kalliopi K. Koufa in accordance with Sub-Commission resolution 1996/20

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*Change of agenda item/sub-item from provisional agenda.

Symbol	Agenda item	
E/CN.4/Sub.2/1997/29	9 (c)*	Recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime. Expanded working paper submitted by Mr. Stanislav Chernichenko in accordance with decision 1996/116 of the Sub-Commission
E/CN.4/Sub.2/1997/30	11	Working paper on the promotion and protection of human rights by the exercise of democracy and the establishment of a democratic society, submitted by Mr. Osman El-Hajjé in accordance with Sub-Commission decision 1996/117
E/CN.4/Sub.2/1997/31	3	Note by the Secretariat
E/CN.4/Sub.2/1997/32	9	Letter dated 8 October 1996 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Office of the United Nations at Geneva addressed to the Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1997/33	1 (c)	Note by the Secretariat
E/CN.4/Sub.2/1997/34	11	Potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual: working paper prepared by Mr. Osman El-Hajjé in conformity with Sub-Commission decision 1996/110
E/CN.4/1998/3 and Corr.1- E/CN.4/Sub.2/1997/35 and Corr.1	2	Letter dated 16 July 1997 from the Permanent Representative of the Republic of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/1998 and Corr.1- E/CN.4/Sub.2/1997/36 and Corr.1	2	Letter dated 16 July 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva, addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/Sub.2/1997/37	2	Note by the Secretariat
E/CN.4/Sub.2/1997/38	11 (c)	Note by the Secretariat
E/CN.4/1998/5- E/CN.4/Sub.2/1997/39	9	Note verbale dated 7 August 1997 from the Permanent Mission of Georgia to the United Nations Office at Geneva addressed to the High Commissioner/ Centre for Human Rights
E/CN.4/Sub.2/1997/40	1 (c)	Report of the sessional working group on the methods of work of the Sub-Commission, established pursuant to Sub-Commission decision 1997/102
E/CN.4/Sub.2/1997/41	6	Letter dated 11 August 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva, addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1997/42	7 (a)	Note verbale dated 15 August 1997 from the Permanent Mission of Australia to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1997/43	2	Letter dated 18 August 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Symbol	Agenda item	
E/CN.4/1998/7- E/CN.4/Sub.2/1997/44	2	Letter dated 14 August 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva, addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/1998/8- E/CN.4/Sub.2/1997/45	2	Letter dated 15 August 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva, addressed to the Officer-in-Charge, High Commissioner/Centre for Human Rights
E/CN.4/Sub.2/1997/46	3	Progress report on the implementation of Sub-Commission decision 1996/120: note by the Secretariat
E/CN.4/Sub.2/1997/47	2	Letter dated 27 August 1997 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva, addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1997/48	6	Letter dated 27 August 1997 from the Permanent Representative of the Republic of Korea to the United Nations Office at Geneva, addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1997/49	10	Note verbale dated 29 August 1997 from the delegation of Mauritania to the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, addressed to the secretariat of the Sub-Commission

Documents in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1997/L.1	13 (b)	Note by the Secretary-General
E/CN.4/Sub.2/1997/L.2	2	Situation of human rights in Turkey
E/CN.4/Sub.2/1997/L.3	2	Situation of human rights in Algeria
E/CN.4/Sub.2/1997/L.4	11	Injurious effects of anti-personnel landmines
E/CN.4/Sub.2/1997/L.5	2	Situation of human rights in the Congo
E/CN.4/Sub.2/1997/L.6	11	Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations
E/CN.4/Sub.2/1997/L.7	11 (c) (i)	Adverse consequences of economic sanctions on the enjoyment of human rights
E/CN.4/Sub.2/1997/L.8	2	Situation of human rights in Bahrain
E/CN.4/Sub.2/1997/L.9	9	Situation of street children and minor detainees
E/CN.4/Sub.2/1997/L.10 and Add.1-12	13 (c)	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session
E/CN.4/Sub.2/1997/L.11 and Add.1-4	13 (c)	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session
E/CN.4/Sub.2/1997/L.12	4	Forced evictions
E/CN.4/Sub.2/1997/L.13	2	Situation of human rights in the Democratic People's Republic of Korea
E/CN.4/Sub.2/1997/L.14	6	Systematic rape and sexual slavery and slavery-like practices during periods of armed conflict
E/CN.4/Sub.2/1997/L.15	5 (a)	Traditional practices affecting the health of women and the girl child

Symbol	Agenda item	
E/CN.4/Sub.2/1997/L.16	2	Situation in the Palestinian and other Arab territories occupied by Israel
E/CN.4/Sub.2/1997/L.17	3 (a)	Situation of migrant workers and members of their families
E/CN.4/Sub.2/1997/L.18	4 (d)	The realization of the right to education, including education in human rights
E/CN.4/Sub.2/1997/L.19	4	The right to food
E/CN.4/Sub.2/1997/L.20	3	Racism and racial discrimination
E/CN.4/Sub.2/1997/L.21	2	Situation of human rights in India
E/CN.4/Sub.2/1997/L.22	2	Situation of human rights in Pakistan
E/CN.4/Sub.2/1997/L.23	11 (c) (iii)	International peace and security as an essential condition for the enjoyment of human rights, above all the right to life
E/CN.4/Sub.2/1997/L.24	4 (b) and (c)	The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations
E/CN.4/Sub.2/1997/L.25	9	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/1997/L.26	4	Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General
E/CN.4/Sub.2/1997/L.27	7	Study on treaties, agreements and other constructive arrangements between States and indigenous populations
E/CN.4/Sub.2/1997/L.28	5	Implementation of the human rights of women and the girl child
E/CN.4/Sub.2/1997/L.29	7	Permanent forum in the United Nations for indigenous peoples

Symbol	Agenda item	
E/E/CN.4/Sub.2/1997/L.30	7	International Decade of the World's Indigenous People
E/CN.4/Sub.2/1997/L.31	7	Study on indigenous land rights
E/CN.4/Sub.2/1997/L.32	11	Illicit transfer of arms
E/CN.4/Sub.2/1997/L.33	11	Promotion of dialogue on human rights issues
E/CN.4/Sub.2/1997/L.34	7	Protection of the heritage of indigenous people
E/CN.4/Sub.2/1997/L.35	7	Working Group on Indigenous Populations
E/CN.4/Sub.2/1997/L.36	6	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
E/CN.4/Sub.2/1997/L.37	6	Report of the Working Group on Contemporary Forms of Slavery
E/CN.4/Sub.2/1997/L.38	4 (b)	Promotion of the realization of the right of access of all to drinking water supply and sanitation services
E/CN.4/Sub.2/1997/L.39	4	Women and the right to adequate housing and to land and property
E/CN.4/Sub.2/1997/L.40	9	The administration of justice and human rights
E/CN.4/Sub.2/1997/L.41	8	Prevention of discrimination against and protection of minorities
E/CN.4/Sub.2/1997/L.42	11	The concept of affirmative action
E/CN.4/Sub.2/1997/L.43	1 (c)	Methods of work of the Sub-Commission regarding agenda item 2
E/CN.4/Sub.2/1997/L.44	11 (c) (ii)	Human rights and terrorism
E/CN.4/Sub.2/1997/L.45	1 (c)	Methods of work of the Sub-Commission
E/CN.4/Sub.2/1997/L.46	10 (b)	Freedom of movement and population transfers

Symbol	Agenda item	
E/CN.4/Sub.2/1997/L.47	10	Study concerning the right to freedom of movement
E/CN.4/Sub.2/1997/L.48	9 (d)	Juvenile justice
E/CN.4/Sub.2/1997/L.49	9	Privatization of prisons
E/CN.4/Sub.2/1997/L.50	11	The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)
E/CN.4/Sub.2/1997/L.51	11	Review of further developments in fields with which the Sub-Commission has been or may be concerned
E/CN.4/Sub.2/1997/L.52	4	Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)
E/CN.4/Sub.2/1997/L.53	10 (a)	The right to return
E/CN.4/Sub.2/1997/L.54	10 *bis*	Rights of the child
E/CN.4/Sub.2/1997/L.55	1 (c)	Organization of the sessions of the Sub-Commission
E/CN.4/Sub.2/1997/L.56	9 (a)	Question of human rights and states of emergency
E/CN.4/Sub.2/1997/L.57	11 (c)	Humanitarian situation in Iraq
E/CN.4/Sub.2/1997/L.58	11	Human rights and scientific and technological developments
E/CN.4/Sub.2/1997/L.59	10 *bis*	Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth
E/CN.4/Sub.2/1997/L.60	9	Question of the impunity of perpetrators of violations of human rights (civil and political rights)
E/CN.4/Sub.2/1997/L.61	11 (a)	Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

Documents in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/Sub.2/1997/NGO/1	4	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/2	11 (a)(ii)	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/3	3	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/4	3 (a)	Written statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/5	4 (c)	Idem
E/CN.4/Sub.2/1997/NGO/6	5 (b)	Idem
E/CN.4/Sub.2/1997/NGO/7	9 (b)	Idem
E/CN.4/Sub.2/1997/NGO/8	9	Written statement submitted by the International Federation of Action by Christians for the Abolition of Torture, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/9	2	Idem
E/CN.4/Sub.2/1997/NGO/10	6	Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/11	2	Written statement submitted by the American Association of Jurists, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1997/NGO/12	2	Written statement submitted by Caucasians United for Reparations and Emancipation/All for Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/13	4 (b)	Written statement submitted by the Traditional Radical Party, a non-governmental organization in general consultative status
E/CN.4/Sub.2/1997/NGO/14	10*	Idem
E/CN.4/Sub.2/1997/NGO/15	11	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/16	4	Written statement submitted by American Association of Jurists, a non-governmental organization in special consultative status, and Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/17	2	Written statement submitted by the International Association of Educators, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/18	2	Written statement submitted by the International Education Development Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/19	11*	Idem
E/CN.4/Sub.2/1997/NGO/20	9	Idem
E/CN.4/Sub.2/1997/NGO/21	9	Written statement submitted by American Association of Jurists, a non-governmental organization in special consultative status

Symbol	Agenda Item	
E/CN.4/Sub.2/1997/NGO/22	2	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/23	2	Idem
E/CN.4/Sub.2/1997/NGO/24	2	Idem
E/CN.4/Sub.2/1997/NGO/25	2	Idem
E/CN.4/Sub.2/1997/NGO/26	9	Idem
E/CN.4/Sub.2/1997/NGO/27	9	Idem
E/CN.4/Sub.2/1997/NGO/28	11	Idem
E/CN.4/Sub.2/1997/NGO/29	4	Written statement submitted by the Worldview International Foundation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/30	5	Idem
E/CN.4/Sub.2/1997/NGO/31	5	[Document withdrawn]
E/CN.4/Sub.2/1997/NGO/32	11	Written statement submitted by Fraternité Notre Dame, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/33	9	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/34	8	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/35	9	Written statement submitted by the World Society of Victimology, a non-governmental organization in special consultative status

Symbol	Agenda item	
E/CN.4/Sub.2/1997/NGO/36	10	Written statement submitted by the Service Peace and Justice in Latin America, a non-governmental organization in special consultative status
E/CN.4/Sub.2/1997/NGO/37	4	Written statement submitted by the International Movement against All Forms of Discrimination and Racism, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/38	9	Joint written statement submitted by International Association for Religious Freedom, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour and World Federation of Democratic Youth, non-governmental organizations in general consultative status; African Commission for Health and Human Rights Promoters, American Association of Jurists, Habitat International Coalition, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Institute for Non-Aligned Studies, International League for the Rights and Liberation of Peoples, North South XXI, Pax Romana, War Resisters International and Worldview International Foundation, non-governmental organizations in special consultative status; Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development, Inc., International Falcon Movement, International Federation of Free Journalists, International Institute of Peace, Liberation, Movement against Racism and for Friendship Among Peoples and World Organization against Torture, non-governmental organizations on the Roster

Symbol	Agenda item	
E/CN.4/Sub.2/1997/NGO/39	11	Written statement by the African Bureau of Educational Sciences, a non-governmental organization on the Roster
E/CN.4/Sub.2/1997/NGO/40	5	Written statement submitted by Liberation, a non-governmental organization on the Roster

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